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WORKMEN'S COMPENSATION FOR MISSISSIPPI: ONE VIEW

*William C. Keady**

In recent years there has been manifested an increasing interest on the part of the citizens of our state in the advisability of having the State Legislature enact a Workmen's Compensation Law. Such legislation has been enacted in one form or another by the remaining forty-seven states of the Union, thus leaving Mississippi as the sole proving ground for the testing of common law rights in master and servant relationships. In my opinion, the chief reason why Mississippi has thus far gone without a Workmen's Compensation Law is our industrial infancy as a state; and now that industrial opportunities on a large scale are on the verge of developing here, the question becomes more than an academic one—a category to which such legislation has been relegated by past sessions of the Legislature.

Objections To The Common Law

I favor the enactment of a Workmen's Compensation Statute not because the absence of one will keep capital out of the state, nor because forty-seven states "can't be wrong," but because of the fact that a greater measure of substantial justice is to be found for both master and servant through the prompt administration of a modern Workmen's Compensation Law than by the continued use of the rights and remedies provided by the common law and as amended by statute. Unless a greater measure of justice is to be provided by such an Act, I would be unalterably opposed to the mere copying of legislation from other states. I find fault with, and charge as being inadequate, the common law system prevailing in our state, on the following counts:

(1) Even though the rigors of the common law have been partially relaxed by imposing, according to the will of the jury, responsibility upon the master whenever an accident is the result of his negligence, there are a great many situations in which no responsibility exists for compensation to the servant, regardless of how serious may be his injuries. The fellow servant rule, the simple tool doctrine, and the assumption of risks where the master is free of negligence—all of these principles operate to deprive a servant of recovery for an accident sustained in the course of employ-

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ment. Injuries received in the course of employment from parties other than the master, or one standing in the place of the master, are treated as unrecognized hazards for which the worker is denied a practicable remedy, even though he becomes disabled in the course of furthering a profitable business.

(2) The test of negligence at the hands of a jury is a highly variable factor as all members of the bar well know from experience, and the difficulty of establishing negligence in cases where the facts are not known or lie within the possession of hostile interests operates to make a lawsuit for the worker a game of chance which, when the decision is against him, is usually an irreparable loss.

(3) Even though negligence exists and judgment is had against the master, there is still the real difficulty of collecting the judgment from the master.

(4) Under prevailing law, a disabled servant is free to bargain for a settlement of his rights with the master or his insurance adjuster. I dare say it has been the experience of every practicing attorney in the state to have known of settlements of valuable rights made by the injured worker for nothing more than a pittance, such a practice being justified by insurance companies on the ground that it is necessary to rob nine claimants in order to meet the excessive and exaggerated demands of the tenth claimant. To what extent this practice can be justified is open to question, but the fact remains that there exists no standard, measurable in terms of dollars and cents, for compensation for injuries received by the servant, the absence of which in most cases operates as a detriment to the employee in ascertaining the value of his injuries in terms of money. It takes a skillful lawyer, after study of the facts and the law, to appraise the value of a servant's suit against a master in Mississippi. How can it be expected that laymen, often ignorant of the law and of business matters generally, will have a fair idea about the adequate compensation that should be due them? I make this further statement even though I can not produce proof other than my own personal observations: for every claim for personal injuries sustained by a servant which is submitted to an attorney for counsel and advice, there are at least ten or more which never reach the hands of an attorney where settlement is offered.

(5) In event of injury, the paramount concern to all, not even excepting the so-called damage suit lawyer, is the physical recovery and early recuperation of the worker. Simple humanitarianism dictates this, and the common law recognizes a right of reimbursement for medical and hospital expenses in the event the accident has been caused by the master's negligence. But during the interim, from the time of injury to the judicial determination of negligence, the worker must, unaided and as best he can, face the prospect of securing medical and hospital attention. Under a

modern Workmen's Compensation Statute, the employer must furnish all reasonable and necessary doctor's, hospital and nurse's services, and all of this to be done promptly. Every safeguard under such legislation exists for the recovery and recuperation, if possible, of the injured worker.

(6) If settlement between master and servant is not achieved on the master's terms, a lawsuit or the threat of a lawsuit is the result, whereupon, according to common observation, the servant is discharged from further employment by the master. Peace between the master and servant should not have to be secured at what many times will amount to a sacrifice of the servant's rights.

(7) As matters stand, no master is under a duty to pay one copper cent to the servant in advance of judgment being obtained against him. Economic hardships of the worker vary in severity according to the duration and nature of his disability. Sometimes such hardships even extend to the servant's attorney who feels obliged to advance funds against the security of a pending lawsuit.

The Statute's Benefits To The Worker

For the above reasons, and solely from the standpoint of the worker, I believe that more substantial justice can be accomplished by the enactment of a modern and comprehensive system of Workmen's Compensation Law. Undeniably, there are benefits to be received by the master, but the benefits to be received by the servant are considerable, and, because of this, I am in favor of such a statute. The chief of such benefits from the standpoint of the worker may be listed as follows:

(1) Compensation is paid for injuries sustained in the course of employment regardless of negligence, except in cases of intoxication or willful misconduct on the part of the employee.

(2) Payments of compensation become due within a short period of time after injury and continue during the period of disability, subject to the limitations fixed by law. In Arkansas, for example, where the last compensation law was enacted, the first installment of compensation becomes due on the 14th day after the employer has notice; and, if the disability be total, an installment would be payable weekly thereafter for a period of 450 weeks in an amount equaling 65% of the worker's average weekly earnings, subject to a maximum outlay of $7,000.00. Twenty dollars per week is the maximum rate of weekly compensation.

(3) In event of injury, the worker is entitled to receive promptly, and the master would be liable for, the necessary medical and surgical hospital and nursing services as the case might require, thus insuring a maximum opportunity for the recovery and recuperation of the worker.

(4) The amount of compensation is fixed by statute according to the nature of the disability, and the worker can not be deprived of the amounts

due him by settlement with the master. No commutation of the weekly payments into a cash lump sum is permitted without approval of a commission or other agency designated by law to administer the benefits of the Act.

(5) An employer, operating under a Workmen's Compensation Statute, is required to furnish the financial responsibility, by way of insurance or otherwise, thus securing to the worker a certainty of collection.

(6) The compensation payable to the worker is largely a recovery net to him, with statutory limitations placed upon the fees allowable to his attorney, in the event a controversy has arisen over the payment of compensation and an attorney has been employed by the worker.

(7) Peaceful and amicable adjustment of compensation under such a statute makes possible a far better degree of harmony between master and servant after an injury has occurred, and serves to quiet suspicion and a feeling of hostility that almost invariably crop up under our present common law system after the worker has sustained an injury in the course of employment.

Of course, to do and provide the benefits contemplated to the servant by a modern Workmen's Compensation statute, it is necessary that a commission or agency be created to administer the Act in accordance with its terms, with the right of appeal to the courts on certain basic questions. According to the experience in Arkansas, the great bulk of controversies which have arisen under the Act has been settled by the commission, and only relatively few cases have proceeded to litigation in the courts. I am confident that this experience of Arkansas is similar to the experience of all other states whose compensation laws are administered by a commission. Of course, such states as Louisiana and Alabama do not provide for a commission and every contested matter between master and servant is placed in the courts for determination. While I have every confidence in the traditional judicial system for administering rights and believe that trial by jury is a sacred right, I am convinced that if the injured servant is to be provided promptly and efficiently with acts of affirmative relief such as he must have after injury, a modern and comprehensive Workmen's Compensation Law is the answer to his problem.

Of course, I do not contend that there might not be isolated cases wherein under the facts of injury the amounts fixed by statute might be perhaps too low and inadequate. Such an act would not be a cure-all for the servant but it would do much more for him in a practicable and down-to-earth manner; and in the great bulk of cases, there is no question in my mind that it is vastly superior to the common law system which now prevails in Mississippi. There is a great deal of prejudice and hot-headed thinking existing among the lawyers of our state over the subject of

Workmen's Compensation, some of the prejudice and heat being for the statute and some against. Of this I am confident: If and when the Mississippi Legislature enacts a modern and comprehensive Workmen's Compensation Law, it will endure; and in the days to come the chief advocates of the proposal will be those who have in mind what is fundamentally for the best interests of the workingmen in Mississippi.

WORKMEN'S COMPENSATION FOR MISSISSIPPI: ANOTHER VIEW

*Percy M. Lee**

At nearly every session of the Mississippi Legislature during the past 25 years, some member has introduced a Workmen's Compensation Bill. We have never had a campaign of such intensity throughout the state as to acquaint the voters with the merits or demerits of such a law. But usually, just before, or at the time of, introduction and consideration by the legislative committee, the propagandists get busy with their two-pointed slogan that (1) the lack of such a law keeps capital out of the state, and (2) there is such a law in 47 of the 48 states, and "47 states can't be wrong."

Keeping Capital Out Of The State

It seems to me that a sufficient answer to this first proposition can be found in the mere asking of several questions: Did the lack of a Workmen's Compensation Law keep foreign capital out of our state when we had so many pine and other trees that we knew nothing else to do but roll them into piles and burn them? Has the lack of such a law deterred moneyed men from other states when it was ascertained that we had oil below the surface of our lands? When these questions are answered in the negative, as assuredly they must be, there is no escape from the conclusion that foreign capital enters a state when, and only when, there are natural resources which guarantee handsome returns—others might use the term exploitation. Besides, the great statistician, Roger Babson, about eighteen months ago, named the two cities which had enjoyed the most phenomenal growth in America; and one of these was Jackson, Mississippi, in the heart of a state without a Workmen's Compensation Law.

"47 States Can't Be Wrong"

On the second proposition, "47 states can't be wrong," it is true that the other 47 states do have some form of this law. But there are many differences and no uniformity. In them, negligence, contributory negligence, and assumption of risk are abolished as defences. But these provisions are no advancement in our jurisprudence. By Section 193 of the Constitution of 1890, we abolished the fellow servant rule as to railroad employees. Subsequently, by the laws of 1908, 1910, 1914, and 1920, we effected the abolition of contributory negligence as a bar to recovery—quite a step ahead of the other states—and substituted our comparative negligence statute, that is, the court and jury may compare the negligence of both the employer and the employee so that if, for instance, each were

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*Forest, Miss.: circuit judge, Eighth Circuit Court District; first vice-president of Mississippi State Bar, 1944-45.

half to blame for the injury, the employee would be charged with his own negligence, but receive benefit for the negligence of his employer, and thereby be permitted to recover half of the amount to which he would otherwise be entitled, if he had been without fault or blame. Besides, we eliminated the old doctrine of assumption of risks except in one or two instances where the employees voluntarily assumed them. Again, we made all questions of negligence and contributory negligence for the jury to determine. Our laws, as now written, permit the administration of exact justice in all cases. The only instance in which an employee is denied any recovery is when the employee is solely to blame, and the employer is without fault. As a matter of fact, our laws are far out and ahead of these others; we have pioneered in the true administration of justice. We have refused to copy the German idea of justice. Honnold in his book on Workmen's Compensation states this idea:[1]

> "From the enactment of a sick insurance statute in Germany in 1883, the idea of compensation based on risks arising out of the business and impairment of earning capacity spread to other European countries, and finally to the United States."

Do you think we should go back and copy this German idea simply because 47 other states have adopted some form of it? To require an employer to pay a substantial sum of money to an injured employee when such employer was in no wise to blame for the injury is not morally right; and by the same token, to let such employer off by the payment of a small per cent. of the damage to his employee, when such employer was solely to blame, is not morally right—and this, regardless of the fact that 47 other states permit such systems to exist in their domains.

The Light Of Experience

My first experience with one of these laws was as a young lawyer, after having tried and won several important cases in the tort field, involving master and servant questions. A young man from my county had gone away to another state, had become an expert in his occupation, and had been killed in his employment. His dependent father and mother engaged my then partner and me to counsel them concerning their rights. The investigation disclosed it to be the worst case of wanton negligence that I had ever heard or read of at that time. It was so bad, in fact, that if it had occurred in our state, a prosecution for manslaughter on account of culpable negligence could have been maintained. You could not begin to imagine my utter disgust when I ascertained that the rights of our clients would be determined by the provisions of a Workmen's Compensation law, and that the maximum benefit which this father and mother could possibly expect to recover on account of the wanton death of their 24-year old son, earning $12 a day, was the small pittance of $15 a week for 350

[1] 1 Honnold, Workmen's Compensation (1918) 3.

weeks. I had never heard of such a statute. My limited legal knowledge had not made me aware that such a system had been grafted onto the jurisprudence of any state. It was contrary to everything that I had ever been taught—commencing with the earliest recollections of paternal and maternal explanations of human conduct—when I studied the Bible as groundwork for the law—and when, in law school, I learned that there is no wrong without a remedy. The measure of damages which had been evolved over centuries of human experience had gone into the discard.

Shortly after this I handled a like claim in another state, with a similar experience, except that the recovery provided was smaller. Thereupon I purchased a standard treatise on Workmen's Compensation, and from time to time, made research therein. There were more cases with like experiences. But, contrary to the representation that such laws eliminate litigation, I found the truth to be that in nearly every instance, the insurance companies denied liability, and it was as much, if not more, trouble to effect a collection under Workmen's Compensation acts as to try out such claims in the courts of Mississippi. As a result of this research and my actual experiences, I came to develop a deep-seated scruple against this form of legislation. As a practitioner at the Bar, and, therefore, as an officer of the court—the tribunal set up to administer justice—and now, with more responsibility even for the functioning of this tribunal, I cannot shut my eye to any proposal, which, in good conscience, I believe, will wholly defeat the administration of justice in many cases. And I am dogmatic enough to say that the proposal to graft onto the jurisprudence of our state legislation of the kind fashioned after similar laws in other states falls like a specter across the pathway leading to the sacred temple of justice.

Because of this deep-rooted conviction; and because of the fact that, in the past, I have represented many employees, their widows and orphans in the prosecution of their claims, when employers refused to pay anything or not enough, and defended employers when claimants demanded something which they were not entitled to, or too much; and because I believe that "justice is that standard or boundary of right which enables us to grant unto every man his just due, without distinction"; and because the so-called Model Bill, the committee substitute for Senate Bill No. 143 considered by our State Senate at the regular 1944 session of the Legislature, is such a monstrosity—for these reasons, I feel impelled to call attention to some of the numerous injustices in Workmen's Compensation proposals.

General Observations Against Such Laws

1. *Workmen's Compensation Laws abolish the law of reparation.* In the Mosaic Law, it was written that if a man dig a pit, or leave one open, so that an ox fell in thereat, he should pay the owner the value of

the ox; and, if an ox gored a man so that he died, the ox should be killed; but, if the ox was accustomed to push, the owner should also pay the ransom of his life, to be determined by the judges.[2] This was the institution in that civilization of the law of negligence. It meant that, if the ox had manifested no propensity to kill, the owner was not put on notice of any dangerous qualities, and, therefore, was not answerable, even though his animal caused the death of another person. He was guilty of no negligence. He had committed no wrong. He was not required to respond in damages. Clearly, this was morally right. But, if the ox was accustomed to push, the owner was put on notice of his feral traits. The ox was a menace to others; he must be confined and it would be negligence if the owner gave the ox an opportunity to gore a human being. Thus the owner was required to respond in damages for any injury which he could reasonably foresee and prevent.

Section 24 of the Mississippi Constitution is simply a twentieth century restatement of the eternal principle of reparation: "All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice shall be administered without sale, denial or delay." No distinction is made between personal and property rights. If the measure of compensation is money, then, in each instance, it must be adequate for the loss. And yet, note this inconsistency in dealing with these rights where a Workmen's Compensation statute is involved.

To illustrate: Suppose I work for an industrial enterprise and live in my little home adjacent to the plant. It is worth $3,000, and the company negligently burns it down. The fact that I work for the company makes no difference in this case. It would have to pay me $3,000, or I could go into court and compel payment. That is the law and ought to be the law, because that would be right. But, on the other hand, if I should wrap some cotton on a fishing pole, saturate it with coal oil, and try to burn a wasp nest out of the ceiling, and, in doing that, I should burn my house down, of course, I could not expect the company to pay me $3,000 or any amount. It had nothing to do with the loss, which resulted from my own carelessness. And, under the law, if I sued in court, I could recover nothing.

We have been considering property rights. Let us see about personal rights under one of these laws—the Model Bill, for example: If I were working for the same company, and they should cut my arm off just as negligently as they burned down my house, and my arm was actually worth $10,000, yet, even though my wages would entitle me to the maximum compensation, actually the highest scale is $20 a week for 200 weeks, a cash equivalent of approximately $3,800—less than two-fifths of my actual damage. Remember that in the case of the house, I could get full pay.

[2]Exodus, c. 22, vv. 28 *et. seq.*

Taking the other view of the picture—if I cut my own arm off on the job with the same carelessness as was present when I burned down my house trying to get rid of wasps, nevertheless, the company would have to pay the same schedule, that is, $20 a week for 200 weeks. Do not overlook the fact that under similar conditions for the house, the company would pay nothing. How can anyone reconcile such bizarre situations! The trouble about fixed amounts, based solely on wages then being paid, is that in some cases, the benefits are too much, whereas, in most cases, they are too little. No two persons are exactly alike, even though they receive the same wages. And it takes a consideration of the individual and the surrounding circumstances to mete out substantial justice.

2. *Workmen's Compensation Laws discriminate against workers as compared with others.* The other day I drove into a large garage. A promising young man, an embryo lawyer, earning $50 a week, heard my motor trouble. Now, if while we were attending to the business, the president of the company had started up a car suddenly, and had recklessly run it over that young man and myself, so that our right legs were broken, and thereafter amputated, do you know what our relative rights would be, with the aforesaid Senate Bill in effect? A leg would call for 175 weeks of compensation. Would he get 65% of his wages for that time, that is, $32.50 a week for 175 weeks? No. The catch is that the maximum benefit is $20 a week, which is only 40% of his wages. Thus, $20 a week for 175 weeks, or $3,500 spread out over 3½ years. On the contrary, I could file suit, get a fair judge and jury, who could, considering my loss, pain and suffering, permanent disability, and the other elements of damage, find that I was justly entitled to recover $15,000—more than four times as much as that young man would be permitted to collect for the same injury. Could there be any ranker discrimination?

3. *Workmen's Compensation Laws abolish all questions of negligence and place recovery on the basis of charity.* The careful worker is in no better shape than the careless, reckless piddler, who is solely to blame for his injury. Here is what I have in mind: A white man with a wife and four children, and a Negro man with a wife and four children work at a mill, both receiving the same wages. The Negro is the clean-up man around the machinery which the white man operates. When the white man gets off from work, he goes home, spends his time with his wife and children, is worth something to them besides bread and meat, and is a good citizen. When the Negro man gets off, he hardly hangs his dinner pail at home. He has several women on the string, drinks, shoots craps, and dissipates for a large part of the night. With the so-called Model Bill in effect, these two men go to work. The Negro, because of his dissipation and loss of sleep, fails to clean up; an explosion occurs, and both men are killed. The Negro was solely to blame. The white man had nothing to do with it at all. Yet, the Negro woman and her four children

will receive the same amount of compensation as the white woman and her four children. Would not such a disposition be an outrage to justice, and a shame and a disgrace to Mississippi society? What has been said concerning individuals of different races could be just as appropriately said concerning individuals of the same race.

4. *Workmen's Compensation Laws encourage dangerous places of work.* Under existing laws, it is the duty of the employer to exercise reasonable care to furnish his employee a reasonably safe place in which to work. Many employers now carry limited employer's liability insurance. If they maintain dangerous places of work, and an employee is injured, and sues, a court and jury may award damages in excess of the insurance, and this excess would have to be paid by the employer. Consequently, it is incumbent on employers to keep and maintain their places of work in a reasonably safe condition for their own pecuniary protection. What would be the attitude they would take under one of these acts? The employers would have to pay a specifed premium anyway. Would there be any incentive to install expensive machinery to make the place safer? Hardly, for such expenditure would merely lessen the hazards, and thus benefit the insurance company. Selfish human nature would incline them to the decision to operate as long as possible, that their profits might grow. And, if a half dozen workers were killed, their deaths could be ascribed to the hazards of the industry. Who can say that many of the 7,000,000 industrial accidents in America in 1943 were not directly attributable to the existence of Workmen's Compensation Laws, under which employers are relieved of many of the common sense rules of care and caution?

5. *Workmen's Compensation Laws are productive of increased litigation.* The opposite line is taken by the propagandists for such laws, who undertake to make the worker believe that, if he is hurt, all he has to do is to walk up to the pay window and get his money. I have before me an authenticated count of the master and servant cases appealed to the Supreme Court of Mississippi for the year 1944, and reported in Volumes 16, 17, 18, 19 and 20 of the Second Series of the Southern Reporter, and likewise, the Workmen's Compensation cases, for the same period, appealed to the Supreme Court of Louisiana. This count shows *three* cases before our highest court, as compared to *sixty-three* in Louisiana—a ratio of 1 to 21. Will anyone contend that there are 21 times as many such claims in our neighboring state as here?

6. *Workmen's Compensation Laws take away the right of trial by jury.* Section 31 of the Constitution proclaims that: "The right of trial by jury shall remain inviolate." Section 156 of the same Constitution says: "The Circuit Court shall have jurisdiction in all matters civil . . . not vested by this Constitution in some other court. . . ." With our laws as now written, the employee has the privilege of placing his claim before a fair and impartial tribunal, in an equal contest, and have his rights de-

termined by a fair and impartial jury, so that justice may be meted out in the particular case, in accordance with the sacred institution of all English-speaking peoples—the jury system. Very few actual trials in proportion to the number of injuries occur, for our public policy encourages amicable settlements of controversies. If both parties are fair, friendly adjustments are made without reference to the law, or even lawyers. But, under this Model Bill, every claimant would doubtless first have to secure a lawyer to file his claim with the commission. This commission is composed of an employer, an employee, and a lawyer. One of these commissioners, or even a referee, can go to the county where the injury occurred nad make such investigation as *he* may deem proper. Thereafter the commission hears the controversy, ignoring the rules of evidence developed through the ages, and under such procedure as the commission may adopt; and one member alone may make a decision. If an award of compensation is refused, the only recourse of the claimant is to appeal to the circuit court of the county in which the injury occurred, or where the employer resides. *But that appeal is on a transcript of the evidence taken before the commission, and no additional evidence can be heard; and the findings of fact made by the commission are conclusive and binding.* That means no jury trial at all, and in effect, excludes a judicial review. In the court over which it has been my honor to preside, even the murderer, the rapist, the thief and the robber are guaranteed a trial by jury. What crimes, pray tell me, have working people committed that they should not be entitled to as much consideration even as the murderer, the rapist, the thief, and the robber?

Additional Concrete Provisions Of The Model Bill

Perhaps I can bring some of these provisions more vividly to your attention by making them personal to me, thus personal also to you. My youngest of four sons in the United States Navy is 19 years old; but for his war service, he would now be a college student, with expectation of entering one of the learned professions. In vacation, he would want to work in some industrial plant, and he would be fortunate to get a job that would pay him $4.00 a day for 5 days in the week, that is, a weekly wage of $20. This, of course, would be temporary employment, and no guide, I hope, to his potential earning capacity. I am listing below some of the injuries that could happen to him as a result of negligence, even gross, on the part of his employer, and yet his rights would be determined by the hereinafter-mentioned schedule of benefits:

a. If he had a severe concussion of the brain, with unconsciousness for 24 hours and be at death's very door, yet, if he recovered and was well within 7 days, he could not even get wages for lost time—no benefit at all unless the injury lasts more than 7 days.

b. If he had an arm cut off, $13 a week for 200 weeks, or $2600 payable over a period of about 4 years.

c. If he had a leg cut off, $13 a week for 175 weeks, or $2275 payable over a period of about 3½ years.

d. If he had a hand cut off, $13 a week for 150 weeks, or $1950 payable over a period of about 3 years.

e. If he had a foot cut off, $13 a week for 125 weeks, or $1525 payable over a period of about 2½ years.

f. If he had an eye put out, $13 a week for 100 weeks, or $1300 payable over a period of about 2 years.

g. If he had a thumb cut off, $13 a week for 60 weeks, or $780 payable over a period of a little more than a year.

h. If he had a first finger cut off, $13 a week for 35 weeks, or $455 payable over a period of three-fourths of a year.

i. If he had a big toe cut off, $13 a week for 30 weeks, or $390 payable over a period of about 7 months.

j. If he lost the hearing in one ear, $13 a week for 40 weeks, or $520 payable over a period of about 10 months.

k. If he lost the hearing in both ears, $13 a week for 150 weeks, or $1950 payable over a period of about 3 years.

l. If he lost both testicles, so that he could never marry, never have the companionship of a good woman, and never be the father of children, $13 a week for 150 weeks, or $1950 payable over a period of about 3 years.

m. If he lost both hands and both eyes, so that he would be a charge until death, $13 a week for 450 weeks, or $5850 payable over a period of about 9 years—an amount that would not even be enough to sustain him during the period. After this period is over, he would have to be supported by his family, or otherwise committed to an institution.

n. But, if he was injured so that, after suffering excrutiating pain for a period of two weeks, his soul passed into the Great Beyond, inasmuch as I am not dependent upon him, and neither are his brothers and sisters, there would be no payment whatsoever to his next of kin; and the only liability of the insurance company would be for funeral expenses not to exceed $250. What a law! Those casualties could happen to my boy. Those casualties, gentle reader, could happen to your boy. Do you think our state should embark upon a system that would permit such outrageous injustice?

Enough will be gleaned from what has already been said to apprise the reader that $20 is the maximum weekly benefit. While 65% of wages

is used, this expression is circumscribed by the prohibition that the weekly compensation shall not exceed $20, and the minimum shall not be less than $7.

Unless the injury disables the employee for 8 days, nothing, not even wages, is paid, except reasonable medical expenses.

The mandatory provisions of the act apply to employers having at least 10 employees. If this legislation is good for that class of employees, why should it not extend to all? Large employers already have financial responsibility, whereas in the smaller group, in some instances, insolvency is encountered.

Additional space would enable the pointing out of additional injustices and inequalities in this measure.

Conclusion

Surely an analysis of this proposal, and similar ones, will force the conclusion that the people of our state do not wish this kind of a judicial system thrust upon them. The injured worker, if his damage has been caused by the fault of his employer, or partly by his own and that of his employer, now has a forum in which exact justice may be meted out in his particular case. If the object of the sponsors of this kind of legislation is to provide some benefits for that class of workers who are solely to blame for their injuries, the more sensible course would be to require, as a condition of doing business, that all employers should carry accident insurance for the benefit of all of their employees according to such schedule as the Legislature, in its good judgment, may deem a justifiable burden to be imposed on industry for the benefit of those employees who do not have valid claims for their injuries under existing laws.

If this latter suggestion is to be ignored, and, if what has already been said is to be completely disregarded—and God forbid that this may happen in our state—then, at all events, there must be a distinction between the employee who is the victim of his employer's negligence, and the employee who is partly at fault himself and whose employer is partly at fault, and the employee who is solely to blame for his injury. Laws should be adopted for the purpose of insuring justice. The common conscience demands of its law-making body that a distinction of this kind be made. We have derived the great body of our jurisprudence from the English law. In this instance, especially, can we profit from their foresight and experience. In their Workmen's Compensation Act of 1906, they have this salutary provision:[3]

> "When the injury was caused by the personal negligence or wilful act of the employer, or some person for whose act or default

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[3] 2 Honnold, Workmen's Compensation (1918) 1686.

the employer is responsible, nothing in this act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this act or take proceedings independently of this act. . . ."

THESE INFERIOR FEDERAL COURTS*

Curtis L. Waller†

No doubt you have often heard the remark that a federal judge has more power than an oriental sultan. That statement may have been true once, but since *Erie Railroad v. Tompkins*[1] and *Dobson v. Commissioner of Internal Revenue,*[2] a federal judge is inferior to nearly everything and everybody. The federal judge would like to think that when the Constitution spoke of inferior federal courts the term was used only in a relative sense or in the relation of those courts to the Supreme Court, but the realization is finally dawning that both Congress and the Supreme Court for some time have been according a literal interpretation to the term.

My discussion is not intended to be considered as authoritative, but only as suggestive, or provocative of thought, and I hope that what I say here will not be used against me. I realize that some phases of the subject which I shall advance for your consideration are contrary to pronouncements of judges of great name and learning, but notwithstanding the great names which might be cited as closing the door to judicial inquiry as to some of the thoughts to which I shall draw your attention, and notwithstanding the frequency with which some of their contrary views have been reiterated, Article III is still in the Constitution and as long as it is, lawyers have the privilege of coming to their own conclusions as to whether or not it stands as a perpetual protest against a trend by Congress and the Supreme Court to take the judicial power away from the courts and give it to administrative boards and tribunals.

Sections 1 and 2 of Article III of the Constitution provide:

> "Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Officers during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.
>
> "Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other pub-

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[1]304 U. S. 64, 58, Sup. Ct. 817, 83 L. ed. 1188 (1938).

[2]320 U. S. 489, 64 Sup. Ct. 239, 88 L. ed 248 (1943).

> lic Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; . . . to Controversies between two or more States; . . . ."

This, according to Justice Story, in *Martin v. Hunter*,[3] "is the language creating and defining the judicial power of the United States. It is the voice of the people of the United States in establishing one of the three branches of their government."[4] Its language, the decision held, was mandatory and Congress could not ignore or deviate from it. Emphasis was placed on the fact that the judicial power "shall be vested" and not "may be vested."

These words vest the whole judicial power of the United States "in one Supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish," whose judges should hold office during good behaviour, and whose compensation could not be subject to a withholding tax during their continuance in office.

Since the same section of Article III that vests the judicial power in these federal courts provides for the tenure of their judges and the security of their compensation, does it or not seem to follow that all federal tribunals that exercise judicial power, must have judges whose tenure and compensation are thus secured, and that any tribunal not having a judge appointed during good behavior is not a *court* that can be vested with this judicial power, regardless of its nomenclature? If so, would it also follow that a judge who has a tenure of office fixed in years can only discharge administrative duties? Although one may be called a "judge" of the Tax Court or the Court of Customs Appeals, can he constitutionally be vested with judicial power unless he is a judge as described in Article III?

I like the definition of judicial power by the Supreme Court of Missouri in *State v. Fry*,[5] that:

> "Judicial power can mean nothing more nor less than the power which administers justice to the people according to the prescribed forms of law—according to their rights as fixed by the law."

Another definition of judicial power is that "it is the power of a court to decide and pronounce judgment and to carry it into effect between parties who bring the case before it for decision."

In *Todd v. United States*,[6] it was said:

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[3] 1 Wheat. 304, 4 L. ed. 97 (1816).
[4] 1 Wheat. at 328, 4 L. ed. at 103.
[5] 4 Mo. 120, 187 (1835).
[6] 158 U. S. 278, 15 Sup. Ct. 889, 39, L. ed 982 (1895).

> "A court is defined to be a place in which justice is judicially administered. It is the exercise of judicial power, by the proper officer or officers, at a time and place appointed by law."

There seems to be much confusion as to what is judicial power and what is administrative power. Congress does not seem to have kept the distinction very clearly in mind. The Constitution did not accord to the courts any of the powers of the legislative or executive departments of government, and definitely it was not the purpose of the people in the adoption of the Constitution to undertake to have the courts run or supervise the administrative branches of the government in the discharge of their appropriate functions. But out of the multitudinous problems of an expanding governmental control it is sometimes difficult to discern the dividing line between judicial and administrative functions. We must all admit that it is necessary in carrying on the vast business of the Federal Government that decisions be made and facts determined without having to resort to, and wait on a decision from, the courts.

The courts, like the mills of the gods, grind slowly, and many facts ought to be determined by governmental agencies such as the Interstate Commerce Commission, Federal Power Commission, Securities and Exchange Commission, the Tax Court, the National Labor Relations Board, and scores of others; and their determinations involve the rights of citizens. In many of these administrative inquiries hearings in the form and substance of judicial proceedings are accorded, and I readily admit that many of them do a creditable job which the courts are ill equipped oftentimes to do. In this day of radio, atomic power, and jet propulsion, the people do not wait on surrebutters; and whenever these boards and commissions in appropriately exercising quasi-judicial powers learn to do as the courts and make justice their guiding star instead of conceiving that their functions are the vigorous administration of certain acts, I, for one, will welcome them with open arms.

It seems not without significance that while the trend to collect governmental functions into the Federal Government has increased in its momentum, for better or for worse, the power of the Federal Courts to review the acts of boards and commissions has been steadily reduced. I mention this, not for the purpose of decrying or protesting, for after all, Congress represents the people and is, doubtless, undertaking to meet a popular demand; but I mention it merely as illustrative of the diminution of the power of the courts.

Of course, the Congress may rightfully withhold from federal courts jurisdiction of subjects not embraced in the category of those which by Section 2 of Article III of the Constitution were vested in the federal courts, for they are courts of limited jurisdiction, having only such power

as the Constitution and statutes of the United States have conferred upon them.

But to what extent may it withhold jurisdiction of the cases which Section 2 of Article III extended to *all* cases arising under the Constitution and laws of the United States and treaties, and to *all* cases affecting ambassadors, public ministers, and consuls, and to *all* cases of admiralty and maritime jurisdiction?

The judicial power by Section 2 of Article III expressly extends only to cases and controversies. In *Osborn v. United States Bank,*[7] Chief Justice Marshall, speaking of Article III, said:

> "This clause enables the judicial department to receive jurisdiction to the full extent of the Constitution, laws and treaties of the United States, when any question respecting them shall assume such a form that the judicial power is capable of acting on it. That power is capable of acting only when the subject is submitted to it, by a party who asserts his rights in the form prescribed by law. It then becomes a case, and the Constitution declares, that the judicial power shall extend to all cases arising under the Constitution, laws and treaties of the United States."[8]

In *Smith v. Adams,*[9] Mr. Justice Field stated that by the terms "cases" and "controversies" used in the judicial article of the Constitution defining the limits of the judicial power of the United States

> ". . . was meant the claims or contentions of litigants brought before the courts for adjudication by regular proceedings established for the protection or enforcement of rights, or the prevention, redress, or punishment of wrongs. Whenever the claim or contention of a party takes such form that the judicial power is capable of acting upon it, then it has become a case or controversy."[10]

This perhaps means that the federal judicial power extends only to court cases and controversies as distinguished from administrative controversies which have not reached the courts.

This conclusion permits the view that Congress may authorize boards and commissions to decide with finality, and without providing for court review, matters which do not come within the category of cases arising within the field committed to the courts by Section 2 of Article III. But may Congress constitutionally deny the citizen a right to bring a case in the

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[7] 9 Wheat. 738, 6 L. ed. 204 (1824).
[8] 9 Wheat. at 815.
[9] 130 U. S. 167, 9 Sup. Ct. 566, 32 L. ed 895 (1888).
[10] 130 U. S. at 170.

federal court for the determination of the rights between him and another citizen if they arise under the Constitution, laws, and treaties of the United States, or if they are of admiralty cognizance, or concern ambassadors, ministers and consuls, in view of the provision that the judicial power extends to all such cases? I will let you answer the question. I am only asking it. It perhaps is not appropriate that I should in this forum undertake to make answer, but I will say that it has been done so often, at least *in part,* noticeably in NLRB cases involving rights between employer and employee, that I would be bumptious indeed to stand here and assert that Congress cannot do that.

I prefer to pass on to a discussion of the legal situation where Congress has provided for judicial review or a resort to the courts.

In *Martin v. Hunter,* Judge Story said:[11]

> "If, then, it is a duty of Congress to vest the judicial power of the United States, it is a duty to vest the whole judicial power. The language, if imperative as to one part, is imperative as to all."

Further he says:[12]

> "It would seem, therefore, to follow, that Congress are bound to create some inferior courts, in which to vest all that jurisdiction which, under the Constitution, is exclusively vested in the United States, and of which the Supreme Court cannot take original cognizance. They might establish one or more inferior courts; they might parcel out the jurisdiction among such courts, from time to time, at their pleasure. But the whole judicial power of the United States should be, at all times, vested, either in an original or appellate form, in some courts created under its authority."

Justice Brewer, in *Kansas v. Colorado,* said:[13]

> "Speaking generally, it may be observed that the judicial power of a nation extends to all controversies justiciable in their nature, the parties to which or the property involved in which may be reached by judicial process, and when the judicial power of the United States was vested in the Supreme and other courts all the judicial power which the Nation was capable of exercising was vested in those tribunals, and unless there be some limitations expressed in the Constitution it must be held to embrace all controversies of a justiciable nature arising within the territorial limits of the Nation, no matter who may be the parties thereto."

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[11] 1 Wheat. at 330.
[12] *Id.* at 331.
[13] 206 U. S. 46, 83, 51 L. ed. 956 (1906).

But Congress has not always observed this principle. There are some half hundred boards and commissions of the Government authorized to make findings of fact which are binding upon the courts in reviewing such action if there is any evidence to support the findings of such board or commission.

The findings of these boards and commissions are by statute generally made final and they cannot be set aside upon review by courts if such findings "are supported by evidence"—not if supported by the weight of the evidence. And in the matter of drawing inferences it has been held that the findings of the board must be sustained if the inferences drawn by the board or commission are reasonable. Even though the court might be thoroughly convinced that the factual findings of the board are the result of bias, prejudice, or even stultification, it cannot set the findings aside, except for errors of law, if there is any substantial evidence in the record to support the findings.

The concept that any part of the judicial power of the United States could be constitutionally vested in a tribunal that is within itself accuser, witness, judge, and jury, is rather disturbing; and the manner in which some of them have performed must shock some of those individuals who have plugged so consistently in support of the thesis of bureaucratic infallibility.

The Emergency Court of Appeals, operating in connection with price control, presents an interesting and ingenious setup. I know of no other federal statute that contains such a provision as the following:[14]

> "Except as provided in this section, no court, Federal, State, or Territorial, shall have jurisdiction or power to consider the validity of any such regulation, order, or price schedule, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this Act authorizing the issuance of such regulations or orders, or making effective any such price schedule, or any provision of any such regulation, order, or price schedule, or to restrain or enjoin the enforcement of any such provision."

Provision is made, however, whereby a defendant may file a complaint in the Emergency Court of Appeals against the Administrator, and that court has jurisdiction to enjoin or set aside, in whole or in part, any provision of the regulation. The right of review of the decisions of the Emergency Court of Appeals is accorded the Supreme Court. One is obliged to wonder whether this Emergency Court of Appeals should be characterized as fish or fowl. I have mentioned the theory heretofore that a tribunal is not a court possessing federal judicial power unless it is presided over by a judge appointed under the provisions of Section 1 of Article III of the Constitution. I have adverted to the theory, also, that

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[14] 38 Stat. 639, 50 U. S. C. A. App. § 924 (d) (1944).

the judicial power vested in these federal courts must be called into play on cases and controversies. It would seem that complaint filed against the Administrator in the Emergency Court of Appeals is a case or a controversy, and that only judges appointed during good behavior and whose salaries could not be reduced could be judges of a court having jurisdiction of such matters. The OPA statute confirms these concepts, for it makes duly appointed regular federal judges the judges of that court, thereby carefully adhering to the provisions of Section 1 of Article III.

The Emergency Court of Appeals is an inferior court, ordained and established by Congress, which tries cases and controversies, and is presided over by judges appointed during good behavior, whose compensation cannot be diminished; but what about the Court of Customs Appeals or the Tax Court, or any other so-called court, wherein the judges are not appointed in accordance with Section 1 of Article III? Are they courts that have the right to exercise judicial power? The name of the Board of Tax Appeals was recently changed to the Tax Court, but that is a misnomer, although it is a tribunal for which I have an exceedingly high regard.

The Tax Court statute provides for review of that court's decisions by the Circuit Courts of Appeals and[15]

> "Upon such review, such court shall have the power to affirm, or, if the decision of the Board is not *in accordance with law,* to modify or to reverse the decision of the Board, with or without remanding the case for rehearing, *as justice may require.*" (Emphasis added.)

I am thankful that Congress still expects the Circuit Courts of Appeals to act according to the principles of justice even in tax matters to which some say justice is a total stranger.

It will be noted that there is nothing in the act creating the Board of Tax Appeals, or Tax Court, providing that the findings of fact of such board shall be conclusive if there is any evidence to sustain them. The Circuit Court of Appeals, instead, is required to affirm, or modify, or reverse, if the decision is not in accordance with law, all as *justice may require.* But it has long been held by the Supreme Court that findings of fact by the Board are conclusive on review, if supported by any evidence, and recently, in *Dobson v. Commissioner,*[16] it was held that where there are no constitutional questions involved a determination of the Tax Court on mixed questions of law and fact is not reviewable unless the Court can separate the elements of decision so as to identify a *clear-cut mistake* of the law. The Court said that the judicial function "is exhausted when

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[15]44 Stat. 110 (1926), 26 U. S. C. A. § 1141 (c) (1).
[16]320 U. S. 489, 64 Sup. Ct. 239, 88 L. ed. 248 (1943).

there is found to be a rational basis for the conclusions approved by the administrative body."[17]

The opinion pays high compliment to the experts on this Board and is a strong presentation in support of the theory of bureaucratic infallibility. The members of this Board are entitled to commendation. They do not deem themselves to be crusading enforcers of an act. The strongest boost, however, that has been made for administrative absolutism is a concurring opinion in the recent case of *Bingham v. Commissioner,*[18] decided June 4, 1945, in which it is said that in a review of a decision by the Tax Court the sole question before a circuit court of appeals is whether the decision by the Tax Court presents "a clear-cut mistake of law. There should be an end of the matter once it is admitted that the application made by the Tax Court was an allowable one."[19] A mere mistake of law is insufficient. It must be "clear-cut." This opinion further states that the intention of the *Dobson* case was to

> ". . . centralize responsibility in the Tax Court, to minimize isolated intrusions by the Circuit Courts of Appeals into the technical complexities of tax determination except when the Tax Court has clearly transcended its specialized competence."[20]

Here seems to be a very frank confession that the *Court* in the *Dobson* case was intending to centralize responsibility in the Tax Court—a province which I always thought belonged to Congress, and which undiluted attribute Congress did not mention, but *Congress* said, in effect, to the Circuit Courts of Appeals: "You reverse this thing if justice and law require it."

What is meant in the statute providing for review by the Circuit Courts of Appeals in the use of the term "in accordance with law" and the term "as justice may require"? If I am correct in the assumption stated earlier in this discussion that judicial power means the power to administer justice to the people according to the prescribed forms of law, then the obligation to do justice called for by the Tax Court statute brings the judicial power of the Circuit Courts of Appeals into full function. I submit that any court which cannot review either the law or the facts upon which a decision of the Tax Court is based is in a poor fix trying to do justice.

Give me the right to fix the facts and you may have the right to declare the law. If ascertaining the truth is not the first step in the administration of justice, then I confess that I have no conception of the process. The right to know the truth is an integral and essential attribute

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[17]320 U. S. at 501.
[18]89 L. ed. 1191.
[19]*Id.* at 1200.
[20]*Id.* at 1201.

that *belongs* to a court of justice. If ascertainment of the truth is not an integral and necessary part of the exercise of judicial power, then why find the facts? Why not let the judge issue an *ex parte* fiat? If finding the facts is a part of the judicial power, and if the judicial power is vested in the courts in cases and controversies mentioned in Section 2 of Article III, or if the judicial power is the power to administer justice, and if in the administration of justice it is necessary first to know the truth, how can Congress or the Supreme Court withhold from the courts on review the right to be satisfied as to facts? For to withhold from them the right to know the truth is to withhold from them an essential and integral part of the judicial power, without which the demands of justice cannot be known, and the law cannot be properly applied.

In conclusion I wish to submit for your consideration this concept: That Congress may vest in non-judicial boards and tribunals finality of decisions in all matters which do not come within the traditional concept of cases and controversies unless the decision of such boards and tribunals denies a citizen a right under the Constitution and laws of the United States. But in any instance in which Congress provides for a review in the courts of cases and controversies arising out of the subject-matter mentioned in Section 2 of Article III, thereby calling into operation the judicial power—the power and the duty to do justice—it cannot take away from the courts any part of the judicial power to do justice.

The power, the right, the duty, to do justice are constitutional attributes of the federal courts that cannot be whittled away in cases before them by denying to such courts the power to find the truth. The taking away from the courts the power to find the truth and to declare it though the heavens fall, is one way in which Congress has ordained and established that its courts shall be inferior courts, but it is not the way the makers of the Constitution intended that it should be done.

WHAT CARE IS REQUIRED OF A CARRIER BY AIR?

*Gibson B. Witherspoon**

After V-J Day and the return of the many military men who were trained in the air forces of our nation, we may expect commercial trade by air to increase. Since the end of World War II the general public has become air-minded; so we know that air travel is destined to become more and more popular. There are at present many applications for feeder lines to be established and these small companies will spring up all over America. On these feeder lines and on the main commercial lines accidents will happen and liability will often times be questionable.

First, we know that an aircraft carrier is not liable for either death or injuries sustained in an accident which is the result of an act of God.[1] The question immediately presents itself: What is an act of God? The authorities are not in accord. It is sufficient for this discussion to point out that, generally, whether the injury was caused by an act of God or if the occurrence was an act of God[2] is held to be a jury question under the usual rule.[3] All the authorities are in accord that all human agencies must be excluded from the cause of the injury. Whether there was a mixture of human negligence with the act of God is a jury question. The rule has been concisely stated:[4]

> "No matter what degree of prudence or care may be exercised by the carrier or its servants, although the delusion by which it is baffled or the force by which it is overcome be inevitable, yet if there be any cooperation of man or an admixture of human means, the injury is not in a legal sense the act of God."

A second rule operating to relieve the carrier by air from liability is the doctrine of the passenger's assumption of risk. It must first be shown that the relation of passenger and carrier existed, that the carrier was a common one whose conduct amounted to a public offer "to carry for all who tender him their goods or their person as he is accustomed to carry . . . ."[5] With this relation established, the passenger assumes only usual and ordinary perils incident to air travel or this form of loco-

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[1]Allison v. Standard Air Lines, Inc., 65 F. (2d) 668 (CCA 9th, 1933).

[2]Ford v. Wabash Ry., 300 S. W. 769 (Mo. 1927); C. & O. Ry. v. McClintock-Field Co., 297 S. W. 1112 (Ky. 1927).

[3]13 C. J. S., Carriers, § 899.

[4]4R. C. L., Carriers, § 181.

[5]North American Accident Insurance Co. v. Pitts, 213 Ala. 102, 104 So. 21 (1925).

motion. In *Allison v. Standard Air Lines, Inc.*, the court's charge to the jury stated the principle as follows:[6]

> "The deceased in this case necessarily took upon himself all the usual and ordinary perils incident to airplane travel . . . A carrier is not an insurer of the safety of its passengers and is not bound absolutely and at all events to carry them safely and without injury. All passengers take the risk of those dangers which cannot be averted by the carrier by the exercise of the degree of care which the law required."

In approaching the subject, we must remember that the doctrine of assumption of risk was originally confined to cases arising out of the relation of master and servant and then extended to cases involving a contract relation. In more modern times it has been crystallized to apply to two classes of risks in automobile cases: (1) Guests riding with an operator who is known to be incompetent because of inexperience, intoxication, defective vision, physical or mental handicaps, and the like;[7] (2) Guests riding in automobiles that are known to be defective or improperly equipped.[8]

When the courts apply such rules to aviation accidents, it is plain that in some cases there must be a distinction in assumption of risk by the ordinary passenger, who could not have foreseen, for example, that a feeder line plane was not equipped with the proper receiving device or that there was a defect in design or manufacture, while in the case of the passenger who was also an experienced pilot, and knew of the absence of such equipment and the dangers which often arise, the assumption of risk rule would apply.

This general rule is a basic one in order to clarify what are the duties of air carriers and what hazards are assumed by the passenger. Under the first exception discussed, the carrier is not liable for acts of God. The boundary between this doctrine and that of assumption of

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[6]65 F. (2d) 668 (CCA 9th, 1933).

[7]Young v. Wheby, 30 S. E. (2d) 6 (W. V. 1944); Schwab v. Martin, 279 N. W. 699 (Wis. 1938); Hatch v. Brinkley, 80 S. W. (2d) 838 (Tenn. 1935); Peay v. Pinach, 87 S. W. (2d) 23 (Ark. 1935); Hall v. Hall, 258 N. W. 491 (S. D. 1935); White v. McVicker, 246 N. W. 385 (Iowa 1933); Maybee v. Maybee, 78 Utah 585, 11 P. (2d) 973 (1932). See also 4 BLASHFIELD, CYCLOPEDIA OF AUTOMOBILE LAW AND PRACTICE (Perm. ed. 1935) § 2512: ". . . such guests accept whatever risk may attend the degree of proficiency which their host has acquired as a driver, and the hazards which are connected with his usual and customary habits, with which they are familiar."

[8]Coffey v. Ouachita River Lbr. Co., 191 So. 561 (La. 1939); Galbraith v. Busch, 267 N. Y. 230, 196 N. E. 36 (1935); Turney v. Meyer, 253 N. W. 226 (Mich. 1934); Peteys v. Leith, 252 N. W. 18 (S. D. 1933); Higgins v. Mason, 255 N. Y. 104, 174 N. E. 77 (1930); O'Shea v. Lavoy, 175 Wis. 456, 185 N. W. 525 (1921).

risk is not definitely defined and oftentimes merges into all too many borderline cases. The passenger assumes not only the risks of acts of God, but also there is an assumption by him of such contingencies as inevitable accidents,[9] sudden emergency,[10] unforeseen events,[11] and in some jurisdictions where there is such contributory negligence[12] as would bar recovery.

Where violations of air commerce regulations are held to be evidence of negligence, it must be shown that such violation or omission was the cause, was a concurrent cause, or was closely linked with the proximate cause, to establish liability.[13] The United States is a party to the Warsaw Convention relative to international transportation by air, which was signed at Warsaw in 1929, and ratified by the Senate on June 27, 1934; and in international air travel the carrier is charged with liability which differs greatly from our common law. The carrier under this law is liable unless he can prove either that he took all necessary steps to avoid the accident or that it was impossible to take such steps or measures under the existing circumstances.[14]

If it might be said that it is the duty of a common carrier by air to exercise the highest degree of care consistent with the practical operation of the plane,[15] and if the accident was not an act of God, or an assumed risk of the passenger, then the carrier would be liable—it would be very simple. But there are many borderline cases between the general classifications, and the courts often call in the doctrine of *res ipsa loquitur* in establishing or denying liability.

The law imposes a duty on the commercial air carrier not only with respect to the operation of the plane but also as to its equipment, maintenance adjustments, pilots, and weather forecasts.[16] The same duty is owed a passenger gratuitously carried.[17] In determining the degree of care necessary, the equipment being employed at the time is of primary importance. Thus the degree of care of a small feeder line pilot with a small cabin plane would not be as high as for a trans-continental ship, which has all the safety instruments the human mind can conceive of, and two pilots to operate it. In every case the pilot or pilots must give the

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[9]Conklin v. Canadian Colonial Airways, 266 N. Y. 244, 194 N. E. 692 (1935).
[10]Thomas v. American Airways, Inc. (1935) U. S. Av. Rep. 102.
[11]Allison v. Standard Air Lines, Inc., 65 F. (2d) 668 (CCA 9th, 1933).
[12]Ebrite v. Crawford & O'Donnell, 215 Cal. 724, 12 P. (2d) 937 (1932).
[13]T. A. T. Flying Service, Inc. v. Adamson, 47 Ga. App. 108, 169 S. E. 851 (1933).
[14]Grein v. Imperial Airways, Ltd., [1937] 1 K. B. 50. See also Wilson v. Colonial Air Transport, 278 Mass. 420, 180 N. E. 212 (1932).
[15]North American Accident Ins. Co. v. Pitts, 213 Ala. 102, 104 So. 21 (1925).
[16]6 Am. Jur., Aviation, § 62; 99 A. L. R. 173, 190 (1935).
[17]See 83 A. L. R. 333, 363 (1933) and 99 A. L. R. 190 (1935).

passengers explicit instructions regarding the safety belt. Usually the violation by a pilot of air-traffic rules, statutes, or of rules of the Department of Commerce is not of itself negligence, unless it is shown that such violation was the proximate cause of the accident.[18]

The Application Of Res Ipsa Loquitur

Primarily the so-called rule of *res ipsa loquitur* is a rule of evidence. Some cases hold, for example, that it is applicable only where the relation of carrier and passenger is established,[19] or where there is a contractual relationship between the parties.[20] The weight of modern authority seems to be that the mere absence of such a relationship does not prevent the application of the rule and it is held to depend on the circumstances of the particular accident.[21]

"The application of the principle of *res ipsa loquitur* depends on the circumstances and character of the occurrence, not on the relation between the parties except indirectly so far as that relation defines the measure of duty imposed on the defendant." From the early aviation cases it would appear that involved in the doctrine of *res ipsa loquitur* is a rule of public policy that is apparently desirable to be enforced. Thus in *Seaman v. Curtis Flying Service,*[22] plaintiff's husband was killed while riding in a plane operated by defendant's employee; negligence was predicated on the employee's maneuvering too low, at an unsafe speed, and in a dangerous manner. No request was made for the invocation of the rule, but on appeal the higher court held:[23]

> "The charge was likewise prejudicial in its failure to charge the doctrine of *res ipsa loquitur* which had, under the facts appearing in the record, application to this case as a rule of evidence to aid the jury in passing upon the issue of liability."

Two years later in *Conklin v. Canadian Colonial Airways,*[24] doubt was cast as to the correctness of the decision, and in 1937 the case was reversed, the New York court holding that this doctrine could not be applied where plaintiff relied on specific acts of negligence.[25] In one of the

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[18]6 Am. Jur., Aviation, § 66.
[19]Spees v. Boggs, 198 Pa. 112, 47 Atl. 875 (1901).
[20]Cosulich v. Standard Oil Co., 122 N. Y. 118, 25 N. E. 259 (1890).
[21]Griffen v. Manice, 166 N. Y. 188, 59 N. E. 925 (1901).
[22]231 App. Div. 867, 247 N. Y. S. 251 (1931).
[23]247 N. Y. S. at 253.
[24]266 N. Y. 244, 194 N. E. 692 (1935).
[25]Goodheart v.. American Airlines, Inc., decided Dec. 30, 1937, but not officially reported. For comment on case see *New York Law Journal* for Jan. 25, 1938.

best-reasoned of the early cases, *Smith v. O'Donnell.*[26] the court expressed itself in the following fashion:[27]

> "'. . . in view of the very high degree of care essential under the law on the part of a carrier of persons . . . such a collision would not happen in the ordinary course of events if the carrier exercised such care, and . . . ordinarily when such an accident occurs, it is due to failure on the part of the pilot to use the proper degree of care in so operating it, or . . . to the manner in which defendant used or directed the instrumentality under its control.' This language is peculiarly apt in the instant case. If the proper degree of care is used a collision in mid-air does not ordinarily occur and for that reason the doctrine was properly submitted to the jury."

However, it was also held in the *Smith* case that the operator of an airplane is not liable for an injury to his passenger in a collision with another plane, which was attributable entirely to the negligence of the operator of the second plane.[28]

It would seem, therefore, that a plaintiff must, before filing his suit, make an election between a plea of *res ipsa loquitur,* and a plea setting out defendant's acts of negligence. Reliance on the latter course precludes invocation of the doctrine.[29] Apparently a good test is to determine, if possible, whether at any given time a particular accident does or does not usually occur in the absence of negligence. The court may take judicial notice as was done in *Smith v. O'Donnell* and hold that an accident in mid-air does not usually occur in the absence of negligence. Or the court may, as did the Massachusetts court in *Wilson v. Colonial Air Transport, Inc.,*[30] hold that the doctrine was not properly applied where a plane's motor stopped immediately after leaving the ground, since there was no general knowledge that would exclude the possibility of the happening of an accident of this kind for causes other than negligence. Perhaps when judges become more familiar with air transportation they will be more liberal in applying the rule of *res ipsa loquitur.*[31]

Some courts appear to apply the doctrine of *res ipsa loquitur* but do not mention it by name. In *Foote v. Northwest Airlines, Inc.,*[32] the federal court ruled out the doctrine because the pleadings alleged specific

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[26]Smith v. O'Donnell, 215 Cal. 714, 12 P. (2d) 933 (1932).
[27]*Id.* at 936.
[28]*Ibid.*
[29]McCusker v. Curtis-Wright Flying Service, 269 Ill. App. 502 (1932); Miller v. English, 43 S. W. (2d) 642 (Tex. 1931).
[30]278 Mass. 420, 180 N. E. 212 (1932).
[31]See Fosbroke-Hobbs v. Airwork Ltd., 53 L. T. R 254 (1936), where an English court apparently held to the contrary.
[32](1931) U. S. Av. Rep. 66.

acts of negligence and therefore prohibited reliance on the rule. Here plaintiff's attorney had requested the trial judge to charge that the instrumentality upon which plaintiff was conveyed as a passenger was entirely within defendant's possession; he should have requested specifically the application of *res ipsa loquitur*. In *Allison v. Standard Air Lines*,[33] where plaintiff had failed to request a directed verdict and did not take exception to the judge's charge to the jury—who found for defendant—it was held that plaintiff had no right to appeal because there existed nothing for the appellate court to review. In this case defendant, a common carrier, crashed against a mountain side while flying in fog; with the proper evidence as to weather reports, instrument readings, schedules, and so on, this might have been a case for applying the doctrine.

The conditions requisite for the application of *res ipsa loquitur* were well summed up by the trial court in its charge in *Parker v. Granger*:[34]

> "1. That the general experience of mankind shows that the accident was such that it does not usually occur in the ordinary course of events without negligence upon the part of those in control;
>
> 2. The person against whom the doctrine is sought to be invoked must have been in control of that instrumentality;
>
> 3. The person invoking the doctrine must not be in a position to know the cause of the accident; and
>
> 4. The person against whom the doctrine is invoked must possess or have possessed superior knowledge as to the cause of the accident or must be or have been in a better position to obtain that knowledge, so that the duty of explaining the accident should, in fairness, rest upon him on account of the greater knowledge or greater means of knowledge."[35]

There is no doubt that the present status of the doctrine as applied to air accidents is a confused one. There is hope, however, that a measure of uniformity in the decisions may be achieved by Congress' enacting a statute which, of course, would be controlling in all interstate carrier

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[33]65 F. (2d) 668 (CCA 9th, 1933).

[34]4 Cal. (2d) 668, 52 P. (2d) 226, 228 (1935).

[35]Attempt has been made in this article to cite only a few illustrative cases. For further comment on the general subject, see HOTCHKISS, THE LAW OF AVIATION (2d ed. 1938) §§ 37 *et seq.*; Carpenter, *The Doctrine of Res Ipsa Loquitur in California* (1937) 10 So. CAL. L. REV. 166; Goldin, *The Doctrine of Res Ipsa Loquitur in Aviation Law* (1944) 18 So. CAL. L. REV. 15, 124 (These two articles contain an exhaustive review of 242 cases involving the application of the doctrine); Note (1931) 2 JOUR. AIR LAW 71; Notes (1945) 30 IOWA L. REV. 232, 550.

accidents. There is now pending in Congress the so-called O'Hara Bill,[36] which would provide for a rebuttable presumption of liability on the part of the common carrier by air for death or bodily injury to passengers being carried for hire. It is the theory of this proposal that it will supplant, in aviation accident cases, existing state decisions and statutes as to rules governing liability. Sixteen states and the District of Columbia have statutory limits in death cases; and since the O'Hara bill also sets a limit, the question of the constitutionality of the proposed act immediately presents itself.

No doubt appropriate legislation will soon be enacted which will clarify considerably the existing confusion in the application of the doctrine of *res ipsa loquitur* to carriers by air.

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[36]House Bill #532, introduced in the 79th Congress. The bill also limits recovery in death cases to $10,000 and in bodily injury cases to actual damages not to exceed $50,000. On December 6, 1945, Congressman O'Hara introduced a broader bill dealing with the same subject. This bill is H. R. #4912.

BIDWELL ADAM

Retiring President of Mississippi State Bar

PROCEEDINGS OF THE FORTIETH ANNUAL MEETING OF THE

Mississippi State Bar

Held in the City of Biloxi, on the 23rd, 24th, and 25th of October, 1945

The convention was called to order by Mr. Bidwell Adam, president of the Mississippi State Bar.

The invocation was delivered by the Rev. E. A. DeMiller, of Biloxi.

A short address of welcome on behalf of the City of Biloxi was delivered by Mayor Chester A. Delecruz. President Adam then introduced Mr. W. L. Guice, of Biloxi, who delivered the welcome address on behalf of the Harrison County Bar. Mr. Dan M. Russell, Jr., of Bay St. Louis, responded for the Bar Association to the welcome addresses.

President Adam stated that next in the order of business was the president's annual address. His address follows:

PRESIDENT'S ANNUAL ADDRESS

BIDWELL ADAM

In June of last year at your convention held in the City of Jackson you elected me as your President. I deeply appreciated this manifestation of confidence and I said then and I wish to repeat on this occasion that I know there are many lawyers in Mississippi who were far better qualified, and who deserved, more than I, this mark of recognition; but I do want you to know that fact has not made me appreciate your kindness any the less. I am indeed grateful to you. I knew then that a great responsibility had been placed upon me, and I knew that the lawyers of this state had a right to expect much of this administration. However, as we all know, at that time this nation of yours and mine was engaged in the most horrible war of which history has any record. The slaughter of mankind in numbers totaling millions was in full rage; there was not a European or Asiatic country whose soil was not made crimson by blood that the sons of this country gave in trying to suppress a form of tyranny and destruction that threatened the world.

The news reports from countless nations told us of the terrific toll that humanity was paying upon the unholy altars of bloody warfare. The long, dreary and uncertain months recorded in staggering numbers the names of the patriotic sons of this state who had contributed their all in the fierce struggle to save civilization and society. It is not necessary for me to detail or attempt to recount each of those reports that reflected horror and grief and placed gold stars without number in the mansion

and cottage alike, nor shall I attempt to tell of the cost in numbers and the sacrifice of property in the tremendous movement to encircle the enemy and encompass him in defeat. The allied nations of the world contributed their worth, their power, their influence, their tears and blood against the deadliest foes that ever cursed the sacred soil of this earth in order that civilization be preserved and the human race saved from the wreck of slavery. I would not be indulging in fancy if I were to say that the news of Germany's capitulation brought gladness to the hearts of mankind throughout the world. Germany's defeat did more than that. It was the forerunner and signal of the surrender of her ally, Japan, who was beaten to her knees by innumerable B-29s, battleships, cruisers and destroyers almost without number; and when the atomic bomb with its powerful and deadly effect blasted two of her principal military cities to atoms the rest of mankind was rescued and humanity freed, I hope forever, from discord, distress and destruction.

I am happy to say that the lawyers of Mississippi contributed in countless ways and means to the fall and destruction of these criminal nations, and this state of yours and mine may well be proud of the noble, patriotic and heroic part that the younger members of the legal profession played in this horrible and bloody carnage. From the humble rank of buck private to that of high commissioned officers the young lawyers of Mississippi went forth to do battle and they gave everything they possessed, that the enemy might perish and mankind survive. From DeSoto County in the extreme northwest of the state to Harrison in the southeast and from Kemper on the east line to Yazoo on the west, Mississippi lawyers answered the call without thought of personal ambition or commercial gain. They knew that their country was involved and engaged in war. They knew that it was necessary to proceed without delay to the nearest station where they could be of the most service, and with head erect and eyes undimmed they marched off to whatever cost the glories of the battlefield might exact. Whether in the Army, Navy, Marines, Coast Guard, or any other branch of the service, they gave the full measure of their strength and might and of their courage; and many gave their all. I am sure you join with me when I say I hope that no such sacrifice shall be asked again.

All of the efforts, all of the energy, the strength, the force, the influence, the power, the tears and blood of these patriotic men and the other men and women of Mississippi who made such a sacrifice, will have been in vain unless you and I are determined that the future shall find us waging battle at home to carry on and to keep high the torch that they flung to us from falling hands. It is your duty and mine to see that the great principles embodied in the Constitution in the Bill of

Rights, in the Declaration of Independence, the Gettysburg address, and the Sermon on the Mount shall be preserved for generations yet unborn. We must demonstrate and prove our faith in those high ideals for which they gave their all. It is your duty and mine to see that the only "ism" that is permitted to breathe and live in this country is "Americanism," and any effort, or movement or design calculated to cross the threshhold of American rights or American independence shall be crushed in the dust as we would plant our heels upon the heads of poisonous snakes.

Too many infringements have already been made upon that sacred document, the Constitution; too many efforts have already been directed at its heart for ulterior motives and purposes. Some, it is true, wear the garb of expediency, and they hope to rest and lie in wait in the twilight zone at its outer rim, and perchance there shall be a relaxation in the vigil to keep it pure and holy, and that some hour may come when the sentinels of American liberty shall in a thoughtless moment yield to the temptation or influence of local and temporary conditions, when the wedge of destruction may be pushed with such force that a new form of governmental control with Socialistic tendencies will bring about an influence that will destroy the hopes, the dreams and ambitions of a great and free people. The enemies of our form of government are like an avalanche with the treachery of silence. The lawyers of this state and of this Republic are the sentinels that are standing guard day and night, without the thought of commercialism or the hope of reward; and they will not and they shall not surrender. The lawyer does not permit his faculty of caution to become paralyzed. It is my firm belief and honest conviction that no progress can be made in the direction of undermining this great Constitution of yours and mine so long as the lawyers of this state and Republic continue to contribute their time, their talents, their energy, their experience, their training and their preparation as its defenders. Without the lawyers of this state and Country, our Constitution, the greatest document that was ever penned by man, would soon be lost to humanity, and then as certain as the day follows the night, decadence would follow rapidly.

The Compensation of Judges

I want to talk to you briefly about the judiciary of Mississippi. I think we have the best system in all the land for the selection of our judiciary, and I think we have the highest and finest type of lawyers occupying and filling these positions of trust and confidence with dignity, honesty, fairness and justice. I think the judiciary of Mississippi today is composed of men who have but one thought and one purpose, one aim and ambition in their lives, and that is to be of service to the people of

this great commonwealth. But I want to go further and say that while we appreciate and while we acknowledge with grateful hearts and a deep sense of gratitude the services that the judiciary is rendering, the judiciary of Mississippi today is not compensated according to the value of service that it is giving to this state and to the people who of necessity must be brought into the courts of Mississippi in the different forms of litigation, and I fear that unless the Bar of Mississippi put forth a strong, serious and conscientious movement to see that the salaries of the judges of Mississippi are commensurate with those of the judges of other states of this Union we shall soon lose some of our ablest and best judges.

It is not fair to ask the judges of Mississippi to continue to serve in this day and time at the salary that was paid during the ox-cart days. You and I know that any lawyer with a fair amount of learning, with a fair amount of ability, and a little experience, can go into the courts of Mississippi today and earn a great deal more money than our judges are paid today. It so happens that the judges of Mississippi, so far as compensation is concerned, are much like the white-collared employees during the war that has just ended, in that there was little provision, if any, made to enable them to meet the ever-increasing demands made upon them by the boosted cost in price of food, clothing, materials and other necessities of life. We expect them to carry on in their faithful, loyal, honest and patriotic way, but we close our eyes to the naked truth that it is nothing short of punishment to insist upon these loyal and faithful servants continuing their work as though we were living back in the days when fifty cents would buy a shoulder of meat and a sack of flour. To insist upon our judiciary's continuing at starvation wages, (and I use the word wages advisedly) is nothing short of a form of slavery, because no one will contend that the present day pay for judges can give them any more than food and clothing. The slaves of the pre-Civil War days were furnished almost as much. To use the language of a former judge of the Supreme Court of Mississippi, Judge J. Morgan Stevens, I think he correctly described the situation when he said:

> "The man in overalls is given an old age pension and unemployment compensation and yet a judge who literally gives his life blood in the discharge of all-important duties is turned out like a blind mule in a pasture, to stumble around without a thin dime from the state to take care of him in the sunset of his life. It is a reflection both upon the Bar and the Legislature of our good state."

There are many things that I could call your attention to, but I

shall content myself to deal with a few other subjects that challenge our attention.

The Black-Market Liquor Tax of 1944

It is my honest belief and conviction that the black-market tax passed by the Legislature in 1944 is a disgrace to the fair name of Mississippi. I cannot subscribe to the State of Mississippi's collecting thousands upon thousands of dollars every month under the guise and name and act of discouraging the dealing in black-market goods, when in truth and in fact it is nothing short of, and nothing less than, a miserable, horrible and deplorable system and scheme to collect a tax on whiskey and alcohol that is illegally sold in this state: It is inconceivable and almost unbelievable that our Legislature would enact a law designating a state officer to act as its collecting agent and arming that state officer with the power to collect ten per cent. on all of the whiskey and alcohol sold in the State of Mississippi, when we have witnessed every Legislature since 1908 enacting law after law with reference to condemning and prohibiting the sale of alcohol and whiskey in Mississippi, and providing a penalty that ranged from fine to a sentence in the penitentiary.

It is against the law to sell whiskey in Mississippi; it is against the law to give it away to induce trade; it is against the law to make whiskey in Mississippi; and I want to say that a fellow, so long as he is selling whiskey and permitted to keep his place open and operate and pay his ten per cent. black market tax, stays and continues in the whiskey business, but if he refuses to pay the ten per cent. black-market tax, he is not arrested and jailed for selling whiskey, but he is threatened with padlock proceedings in the chancery court that will close his place; in other words, if he pays the ten per cent. black-market tax, no padlock proceedings are instituted, and just so long as he pays it every month he continues to be a partner in crime with the state, but if he refuses the padlock proceedings and machinery go in action; and the results are simply this: He pays the ten per cent. black-market tax, violates the law, and the State accepts the ten per cent. for his violation of the law, and encourages rather than discourages him in this illicit business.

I am not making a prohibition speech on this question, because the present conditions as set up in Mississippi and as now constituted, condemn the sale or handling of liquor. I am not a prohibitionist or reformer or drinking man, but the Legislature ought to do one of two things. The Legislature ought to prohibit the sale of whiskey, and refuse to be a partner with the whiskey operators, or have the moral and legal courage to repeal the laws that prohibit the handling and sale of whiskey

and provide that it may be sold in a legal way, and legalize its sale. The present setup in my judgment is the most hypocritical form of any tax collected that we have in this state. We should either break up this disgraceful form of racketeering and legalize the sale of whiskey, or confess our lack of courage to handle the situation.

Exaction Of Cash Bonds By Policemen

In my opinion, the taking of cash bonds by policemen who arrest people on the highways and byways ought to be prohibited and condemned by the Legislature. We should have a law making it a crime for a police officer to accept a cash bond from a man that he arrests, for this reason. A policeman will often pick up a man and charge him with speeding maybe in the late hours at night or early in the morning and will exact a cash bond. Right then and there, by way of illustration, here is what happens: The officer arrests a man and says to him, "I can take you to jail or you can give a cash bond of twenty-five dollars." The victim produces the twenty-five dollars and delivers it to the officer, and in many cases is told "if you don't show up in the morning this cash bond will be used to pay your fine, which will be twenty-five dollars." Of course rather than spend the night in jail the alleged violator pays the twenty-five dollars to the police officer, he does not show up at court, and the twenty-five dollars is used to pay his fine, in some cases. The present setup and present system being operated in this state and many counties and cities makes of every police officer a roadside judge, giving him the right not only to arrest the victim but the right to try and fine him and collect the fine and discharge him after the fine is paid under the guise of a cash bond. It is my honest opinion that this policy, as now pursued, and pursued in too many places, has a tendency to and does open wide the gates of temptation. In fact, I sometimes believe the hinges are knocked off the gates of temptation.

As a matter of fact, many of the city courts in many of the larger cities of Mississippi, and especially those cities that have been designated in the past few years as military centers, have been brought under this pressure; and police officers have collected thousands and thousands of dollars in the way of fines, following this unholy and shady method. As a matter of fact and as a matter of truth, I feel safe in saying, and I do not have the slightest fear of successful contradiction, that the two largest municipal courts in this county have collected more in fines in one year than the circuit court in this entire district has collected in five years. Thousands of people have paid the price without the slightest semblance of legal complexion or respectability. It is not possible for so much crime to be present in a section of the state and all of the crime to be

confined to the city courts. It just does not make good sense. Justice does not find a companion there. A judge in one of the city courts in Mississippi, where this practice of collecting numerous sums through this method prevails, told me, in boasting about the amount of money collected under this system, that one-third of the fines goes to the police department, one-third goes to the fire department, and one-third goes to the education department. I asked him if he would answer one question; he said that he would, and I said if one-third of the fine goes to the police department, one-third goes to the fire department, and one-third goes to the education department, where does justice go? I am still waiting for an answer.

The Thirteenth Juror

There is another thing I want to talk to you briefly about, and that is the necessity of having what is commonly called in some states and in the Federal Courts the thirteenth juror. This juror is selected at the same time the other twelve jurors are selected. He does not sit in the jury box, but is selected in the same manner and form as the twelve jurors are selected and chosen. The thirteenth juror does not go into the jury room or participate in the deliberations, but does this: In the event one of the jurors becomes ill or physically unfit, or for some reason beyond the control of the court and attorneys, is not able to continue to serve, this thirteenth juror, who sits alongside of the jury box and hears the evidence, arguments of counsel, and the instructions of the court, and who sits with the jury except when they are in the room deliberating, is immediately put in the place of the juror who is disqualified from continuing to serve because of illness or otherwise; and the case goes on without interruption.

In this county at the last term of the court about a day and a half was used in selecting and qualifying a jury in a murder case, and after the principal witness for the state had testified, and the court recessed until the following morning, and the jury had retired to their room for the night, the judge was advised that one of the jurors was seriously ill. Judge Corban, our circuit judge, learned that the juror was desperately ill; the services of a physician had to be secured, and the juror was immediately taken home on a stretcher. There was only one thing that could be done the next morning when court convened, and that was to enter a mistrial of the case, and the expense of the witnesses from all sections of the county and some from other counties, and the cost of the officers of the court, the sheriff and clerk and those waiting upon the court, had to be borne by the county, which costs ran into several hundred dollars. If this state had a law providing for the thirteenth juror, at

least in felony cases and in such civil cases as the court should see proper, it would save the taxpayers of Mississippi thousands of dollars annually.

We are now at the cross-roads of destiny. The lawyers soon will learn, if not too late, that there is a growing and increasing tendency to remove them or prevent them from appearing before many of the so-called boards and bureaus that have sprung forth like mushrooms to regulate, shape and control the affairs of men. Many men and women drawn before these bureaus are told that it is not necessary to have a lawyer. They carry on the same slogan that the arresting deputy told the frightened fugitive, "You don't need to get a lawyer." This is an insidious scheme and conspiracy against every member of our profession, and continues without interruption and little interference. The chains and coils of the bureaus are steadily squeezing individual effort and attempting to make for us one plane and level on which to shape our future. This cannot be done if we are to remain a democracy. We must combat the influence and the force of the organized minority, or find ourselves swamped with the curse of socialism.

The bureaus of this country with few exceptions are the incubators of socialism. There is entirely too much standardization and not enough stabilization. They seek to supplant our courts and make for us laws that they alone can construe, interpret and enforce. With every avenue of appeal closed, we are powerless and soon we shall be helpless in this finely woven mesh of bureaucratic systems. The jewels of jurisprudence are hidden deep in the mountain of stone; they no longer sparkle like twinkling stars in a field of blue, guarding a faithful people. They are darkened by the clouds and storms of bureaucratic intensity. Judges do not decide or pass upon their orders. Courts have little power to modify their rules, some of which are sharper than the sword.

We must place the power to impose penalties back in the courts. We must give again to the courts of this country control over all matters, things and subjects that have to do with the life, liberty and property of our people. And any other form of governmental regulation or control strikes with deadly force at the pillars that support and maintain this nation of yours and mine in times of war and peace alike.

Thomas Paine once said: "The Greeks and Romans were strongly possessed of the spirit of liberty, but not the principles, for at the time they were determined not to be slaves themselves, they employed their power to enslave the rest of mankind."

We lawyers should not sit idly by and see the jurisprudence of a thousand years swept into oblivion overnight. The lawyers of this Republic owe the American people a duty. That duty is to see that the

courts of this country shall continue to function and to pass upon their most precious and inalienable rights. We shall fail this country and our people if we continue to sit in silence and offer no force or opposition to that deadly influence that creeps in the shadow-like zone and plants its poisonous roots deep into the vitals of this Republic. If we shall delay longer, if we wait until it is so deeply entrenched and becomes fastened and interwoven into the fabric of America we will soon find that the cancer is beyond the reach of the ray. I hope that we shall soon awaken, but be not like the wandering Jew that was bitten by the snake and who barely had time to see the tip of its tail disappear in the sand.

President Adam presented Judge Sidney Mize, who introduced the principal guest speaker of the morning, Judge Curtis L. Waller, of Tallahassee, Florida. Judge Waller's address, *These Inferior Federal Courts,* appears as a leading article on page 212 of this issue.

The Convention then adjourned for the morning.

Afternoon Session, Wednesday, October 24, 1945

President Adam called for the reports of committees. The report of the Committee on War Work was made by its chairman, Mr. Luther W. Maples, of Gulfport:

REPORT OF THE COMMITTEE ON WAR WORK

Your Committee has handled 490 matters which involved legal questions and court proceedings, and all of these 490 cases were referred to attorneys in Mississippi for action. A major portion of these cases were referred to your committee chairman by Legal Assistance Officers from the far-flung bases of the United States Army and Navy. The great majority of these cases involved matrimonial difficulties resulting in divorce proceedings and court proceedings for the care and custody of minor children. Your Committee was interested to note that of the cases involving domestic difficulties, at least one-half were concerned with the problem of Negroes of Mississippi residence who had married and remarried without benefit of divorce.

In addition to the correspondence involved in the cases mentioned above, your Committee was called upon to answer legal questions on the laws of Mississippi, and the court decisions touching questions of property rights and court procedure in 75 instances. Your Committee has also handled detailed correspondence regarding discharge of service men, at the request of dependent parents and families.

Your Committee would respectfully show that the rather voluminous correspondence connected with the cases mentioned above has entailed the mailing of more than 2,000 letters.

Your Committee has received from the State Bar Association the sum of $480.00, and from the President of the State Bar Association, the Honorable Bidwell Adam, the sum of $240.00—total receipts, $720.00. Your Committee has expended for stationery, stamps and for the services of a stenographer approximately the entire sum received from the State Bar Association and the President of the State Bar Association.

Your Committee has been interested in a plan whereby the services of members of the State Bar Association might be utilized in helping service men and women in the difficult adjustment period which faces them upon their return home. It is recommended that there be organized in each county a service center employing an able secretary whose duty it shall be to coordinate the efforts of all civic, political and patriotic groups within that county. Veterans organizations would be called upon to prosecute claims of disabled veterans; civic organizations would be called upon to advise with the veteran on community problems with the aim of familiarizing the returnee with the existing conditions in the community to which he comes back, and orienting him in the social and economic problems which confront him; political groups would be called upon to keep before our boys and girls the principles for which they have so unselfishly sacrificed, emphasizing the fact that it is the veteran who can least afford to advocate and follow the leadership of those who would destroy our political creed and substitute foreign ideology—and the overall aim and goal of such a Service Center would be the coordination of all the efforts of these organizations to find for the returning fighter his niche in a peacetime society. It is the sincere belief of your Committee that the members of the State Bar can render a worthwhile service, because of their training and experience, in the formation and leadership of such an organization for the complete rehabilitation of our war veterans.

Your Committee has been interested in many of the reports prevalent in newspapers and on the radio referring to an anticipated crime wave to be created by the discharge of our boys and girls from the Armed Forces. It has been reported to a Committee of Congress that there is now an increase in crime over 1944 of 8.4%, and that this is only the beginning of the greatest crime wave the United States has ever experienced. The leading age group in the commission of these crimes has been found to be adolescent boys and girls 17 years old. The Committee believes that for this trend in increasing crime there must be a basic foundation. It is the belief of your Committee that this condition

has not and will not be created by the servicemen and women returning to peacetime society. The seed has been sown on the home-front. We, as lawyers, have winked at the transgression and utter disregard for the laws enacted by our legislatures, as the parents of these boys and girls have violated with absolute impunity the criminal laws. Why should their children respect these same laws when they are taught by precept only, and not by example, that this is a country of laws, that we are governed only by the law, and that we, as a nation of self-governed people, can endure only so long as we respect the majesty of the law? The members of the Bar Association can create a respect for our law. Your Committee believes that the charges which have been implied, and those which have been specificially directed, against the returning servicemen and women, should be answered by the Committee on War Work, and the Committee through its contact with these same men and women is led to make these observations, and to submit that in its opinion the crime wave which is predicted for the coming years is not of their making.

Respectfully submitted,
LUTHER MAPLES, Chairman

Mr. Ross R. Barnett, of Jackson, presented the report of the Committee on Resolutions.

RESOLUTIONS

INCREASE IN JUDGES' SALARIES

WHEREAS, it is the opinion of lawyers of the state of Mississippi in convention assembled, that the judges of the courts of Mississippi are underpaid, and that their salaries should be increased so as to be more in line with the increased cost of living and with their high offices;

NOW, THEREFORE, BE IT RESOLVED that this convention recommend to the Legislature of the State of Mississippi that annual salaries be fixed and paid to the judges, as follows:

To the Judges of the Supreme Court, the sum of $10,000.00;
To the Judges of the Circuit Courts, the sum of $7,500.00;
To the Chancellors of the Chancery Courts, the sum of $7,500.00;
To the Judges of the County Courts, the sum of $4200.00;

BE IT FURTHER RESOLVED that the President designate and appoint three members of the bar in each of the circuit court districts and three members in each of the chancery court districts to work with the Legislature for said increases.

BE IT FURTHER RESOLVED that each and every member wholehearted-

ly pledges himself to do all that is reasonably possible to secure said increases for the judges.

Ross Barnett, Chairman
Cecil A. Rogers
W. J. Gex, Jr.

A motion was made and seconded to adopt the resolution; after considerable discussion, and the rejection of several proposed amendments, the Bar Association adopted the resolution.

President Adam called for the report of the Study Committee. In the absence of its chairman, Mr. J. Knox Huff of Forest, the report was read by Mr. J. M. Stevens, Jr., of Jackson.

REPORT OF STUDY COMMITTEE

Travel restrictions prevented a meeting of the Study Committee. The statement requires no further development than to show that some of the thirty-three appointees reside at such widely divergent points as Gulfport, Clarksdale and Booneville.

There was, however, the free exchange of views among members in response to a committee poll on the question:

What do you think the committee ought to center its efforts upon for this administrative year?

Many pertinent subjects for study were suggested, too many in fact to be fully catalogued in this report. Hence, upon advice from those with whom the writer has counseled the following topics appear to claim priority:

I.

Statutory Revision And Codification

Disappointment is freely expressed not only with respect to revision and codification of the statutes, but errors and inaccuracies in code annotations are complained of. Merely to illustrate, it is shown that an opinion of the Attorney General construing a statute and two or three cases in which the court held the contrary are annotated under a given section. The following is an excerpt from the letter of an excellent lawyer which shows the trend of the criticism and as tersely places the responsibility of the matter:

". . . we have had very little in the way of clarification of many of the items which are confused, repeals of obsolete statutes, or additions and corrections which have been shown by experience to be needed . . .

In my own judgment, the Legislature itself cannot . . . give the proper time and attention to a revision of the statutes. Some provision should be made by the Bench and the Bar to perform this very necessary function."

Other questions, some of which doubtless contemplate constitutional changes, might be listed at least and colated under the general title:

II.

Court And Procedural Reforms

1. In civil suits should there not be trial of facts by the court, unless a jury is requested by one or both of the litigants?
2. Should not terms of the circuit court begin and end at midnight of the last day of each month, the judge to hold stated terms as at present but having the right upon due notice to lawyers and litigants to call juries and have trials in any county where public business makes it advisable?
3. Should not a grand jury be appointed for the year, to meet in court terms as at present or upon call of circuit judge or foreman?
4. Would it be advisable to abolish distinction between law and equity courts, providing for only one court and litigants to receive whatever relief they are entitled to whether at law or in equity?
5. Should there not be a numerically unbalanced Supreme Court membership?

The first two questions raised under this head were dealt with in S.B. 443 in the 1944 session of the Legislature. That was the Bar-championed bill seeking to effect changes in civil procedure. It may be recalled that the proposed bill was broken down by committee substitutes into seven short acts, five of which passed the Senate but all of which died on the House calendar. This Study Committee were polled upon the questions embraced in that proposed legislation. The results will be treated under the following caption to conclude this report.

III.

Revised Rules Of Civil Procedure

The poll was whether the subject of the 1944 proposed legislation, relating to civil trial procedure, should be considered by this committee. Attention was called to the proposition that legislation is not the office

of the committee, and the point was raised that a legislative session in this administrative year would be extra-ordinary. However, the consensus was that the subject matter ought to be kept alive; and that the legislation ought to be timely urged by the Bench and Bar. The results, counting only those who replied to the poll, were as follows:

Opposed to the legislation	10%
Non-committal	10%
For the legislation but expressing the view that it is not a pertinent subject for this committee	10%
For the legislation and for this recommendation	70%

Therefore this writer takes the responsibility of disclosing the following statements as expressive of the majority opinion:

First, an excerpt from the letter of a member of the committee who is an outstanding judge:

> "I think that the committee should continue to champion the bill or series of bills that were presented to the Legislature during its 1944 session. I believe that these measures are sound and timely and that it is the duty of the members of the Bar that believe in their adoption to keep presenting these matters to the Bar and at proper times to the Legislature."

And then, the statement from a lawyer who has been a prime factor of the progress of the Bar follows:

> "I am of the opinion that we should concentrate on the legislative program presented at the last Legislature. I realize that this is legislative work and not primarily the business of the Study Committee. However, the Study Committee should not be put in the attitude of piling up an accumulation of legislative recommendations never adopted. Since we have no regular session until 1946, we should take steps to obtain the support of members of the Bar, Bench and Legislature with a view of again pressing for legislative inactment."

Respectfully submitted,
J. KNOX HUFF, Chairman.

Mr. J. W. Backstrom, chairman of the Committee on the Bill of Rights, read the report of that committee.

REPORT OF THE COMMITTEE ON THE BILL OF RIGHTS

The president appointed 21 lawyers on the Committee on Bill of Rights. Your chairman called a meeting of the committee and only

Honorable James I. Ford and Judge Arthur G. Busby responded, and we three submit this report.

There should be no conviction without trial by jury and the abolition of star chamber proceedings as now practiced by some of the agencies of government should be effected.

The powers of legislation should be exercised only by those duly elected to office and who are responsible to the people. The present practice of the creation of bureaucratic bodies by executive order should be abolished and prohibited and Congress and the Legislature should only delegate the authority to make penal and other rules and regulations within specified and well defined limitations.

The bill of rights is one of the greatest documents for freedom and liberty that ever came from the brain of man and this bar should reaffirm and rededicate its membership to the preservation of the principles therein enunciated.

Respectfully submitted,
J. W. Backstrom, Chairman.

REPORT OF THE FINANCE COMMITTEE

We, the undersigned Finance Committee, submit herewith our report and recommendation for the fiscal year 1945-46. We have carefully examined the audit prepared by Dick D. Quin and Company, Certified Public Accountants, covering the past fiscal year and closing as of May 31, 1945, and certified to by them on July 9, 1945.

From this audit the Mississippi State Bar is in excellent condition and has been operated fairly well within its budget. We consider this very good when some items arose which had not been placed in the original budget but which were very essential to the proper functioning of the Bar Association: namely, expenses for disbarment proceedings, legislative expenses, memorial services, and for war work. These items totalled $1,012.02.

Your committee especially desires to call attention to the fact that schedule A-2 of the audit shows schedule of delinquent members as of May 31, 1945, reflecting a balance due of $4,230. We urge that the Commissioners exert strong effort to collect this.

We recommend the following budget for the fiscal year 1945-46:

Secretary's salary	$ 600.00
Law Journal	1400.00
Bar Commissioners' Expense	450.00

Office Expense	400.00
War Work	500.00
Miscellaneous Expense	150.00
Convention Expense	275.00
	$3,775.00

Respectfully submitted,

R. W. THOMPSON, JR.,
Chairman.

REPORT OF COMPLAINT COMMISSIONER

Since our last annual meeting and since I was appointed Complaint Commissioner, one complaint styled *H. Kenner and Mrs. Frances A. Kenner v. Robert L. Genin* was properly filed, and the lawyer filed his answer in proper form; and at a meeting of the Commissioners the complaint as filed was submitted together with answer of the lawyer, and the charges were dismissed.

Proceedings were instituted against one attorney; the court would not disbar him but merely reprimanded him. We did not think this was sufficient and for that reason an appeal was taken to the Supreme Court and following this almost the entire bar of the city where this attorney resided petitioned the Commissioners and some of them appeared before the Commissioners requesting the appeal to be dismissed and represented that they believed the attorney had been fully punished. The Commissioners acceded to their petition and dismissed the appeal.

Attorneys have been appointed to institute disbarment proceedings against another attorney, but this has not been completed.

I have received letters from numerous complaining parties, and in each instance I have advised that if they desire to prosecute their claims, they should file complaint supported by affidavits, in typewritten form and in duplicate, and that I would then call upon the attorney against whom complaint is made for explanation or opposing proof if such is desired to be submitted, and after receiving both the complaint and explanation or opposing proof that I would investigate the same and make my recommendation to the Board of Commissioners. In most of these instances I received no reply to my letters and presume that the complaining parties have dropped their complaints; and in other instances no proper complaints have been filed. In all matters of complaint regardless of whether they were in proper form, they were submitted to the Commissioners and action was taken thereon.

My experience as Complaint Commissioner shows that the lawyers of Mississippi, as a whole, are high class, honorable people, and that by the exercise of courtesy nearly every complaint can be satisfactorily settled. Most of the complaints filed are the result of carelessness on the part of the attorneys complained of and can usually be easily adjusted. It is readily seen that the complaining parties are not of the highest type and just want something to complain or gripe about, and that if they have a claim it is one on which they should bring suit and not disbarment proceedings; and practically all are petty complaints.

Respectfully submitted October 23, 1945.

HENRY MOUNGER,
Complaint Commissioner,
Mississippi State Bar.

President Adam called on Mr. Robert Dinsmore, who presented Mr. Proctor D. Houston, Loan Guarantee Officer of the Veterans' Administration in Jackson. Mr. Houston's address follows:

THE LOAN GUARANTY PROVISIONS OF THE SERVICEMEN'S READJUSTMENT ACT OF 1944

P. D. HOUSTON

In spite of my feeling of inexperience and inability as a public speaker, I consider it a privilege and an opportunity to appear before this group of talented orators and accomplished statesmen. As I talk to you I realize that I am talking to the legal brains of Mississippi. You have much to do with moulding the opinions of veterans and of the lending public. The success or failure of any lending program depends to a great extent upon the counsel and recommendations of the legal profession. The attorneys of our country have done much during the past several years in streamlining services offered by credit institutions. It is to you that the bankers and other lenders go for advice on lending procedures, type and form of notes, deeds of trust, guaranties, descriptions of security, adequacy of title, and so on.

From the beginning there has been much publicity given to criticism of the loan guaranty provisions of the Servicemen's Readjustment Act of 1944. Some of the criticism has been constructive, while much of it has been destructive and has misled and confused the veteran. We must consider the fact that approximately sixteen months ago the Veterans Administration was given the tremendous responsibility of administering his program. At that time they had no trained personnel to handle the loan program. It was necessary for the Administration to find experi-

enced men, employ and train these men before any definite policies could be established. Washington realized that the job could not be carried on with expediency from the Central Office; therefore it was necessary for them to select and train personnel for each of the 48 states. This necessarily took considerable time. During the first several months after the passage of the Act, considerable time was required to process a loan, as all loans were handled through the Washington Office. On or about the first of January, 1945, all Mississippi loans were processed through the Atlanta Office. We are happy to say that since July 16 of this year, all applications for guaranty loans of veterans in Mississippi are processed to conclusion in our Jackson office, within a few hours after they are received.

Title III of the Servicemen's Readjustment Act of 1944 provides for assistance to veterans in obtaining loans to purchase homes, farms, and business property.

Eligibility:

Any person who shall have served in the military or naval service of the United States at any time on or after September 16, 1940, and prior to the termination of the war, and who has been discharged or released therefrom under conditions other than dishonorable, and who has had 90 days or more of such service, or by reason of injury or disability incurred in service, in line of duty, was in service for less than 90 days, is eligible for the benefits of this title.

General Provisions:

The veteran must apply for such provisions within two years after separation from service, or two years after the termination of the war, whichever is the later date; and in no event later than five years after the war.

The Administrator of Veterans Affairs is authorized to guarantee 50% of a first mortgage loan, provided the amount so guaranteed does not exceed $2,000, and that the proceeds of the loan are used to purchase a home, farm, or business property, and such loan appears practicable.

A second mortgage loan may be fully guaranteed by the Administrator, provided the first mortgage loan is made or insured by a government agency, and that the loan does not exceed 20% of the purchase price and comes within the $2,000.00 limit.

No security for the guaranty of a loan shall be required except the right to be subrogated to the lien rights of the holder of the obligation which is guaranteed.

In order to help clear up a general misunderstanding of the lending public, I would like to emphasize the fact that the guaranty by the government has the same effect as a down payment on the property being purchased by the veteran. The guaranty obligates the government of the United States to pay to the lender all losses caused by default of mortgage up to the amount guaranteed.

For example:

A veteran makes a loan in the amount of $4,000.00
with a government guaranty of 2,000.00
Veteran makes no payments on this mortgage, and the mortgage is declared in default. At this point, the lender files claim with the government for payment under the guaranty. Property is later foreclosed, and when foreclosure sale is made, the mortgagee recovers only 2,500.00
of the loan of 4,000.00
This leaves a definite loss of 1,500.00
The government is obligated to pay to the lender all of the loss incurred, amounting in this case to 1,500.00

Guaranty will decrease or increase pro rata with any increase or decrease of the unpaid portion of the debt.

For example:

Veteran makes a loan to purchase a home for $4,000.00
Guaranty is 50% of the loan or 2,000.00
Veteran pays loan down to 3,000.00
Guaranty is accordingly reduced to 1,500.00
A necessary advance is made by lender of 500.00
to repair dwelling, pay taxes and insurance, to preserve security. The unpaid portion of the loan is thereby increased to 3,500.00
Guaranty is likewise increased to 1,750.00
which is 50% of indebtedness.
If default should be made by veteran at this point, the government would be obligated to pay the lender the total loss, if any, provided the loss does not exceed the amount of 1,750.00
or 50% of the indebtedness at the time of default.

Before foreclosure the Administrator must be given thirty days' notice, with option of bidding in property on foreclosure, or refinancing debt with another agency.

Lenders:

A question sometimes arises as to who may make these loans. Any

individual, firm, association, corporation, or government agency is an eligible lender under Title III of the Act.

Loans may be guaranteed for the following purposes:

(1) To purchase, construct or repair a home for a veteran.

(2) To purchase a farm, construct and/or repair necessary buildings on a farm, and purchase necessary equipment and livestock for operation of a farm.

(3) To purchase a going business, business real estate, and/or fixtures and equipment necessary for operation of the business.

Some of the general conditions are that:

(1) Veteran must have need for the home, farm or business.

(2) The proceeds of loan will be used to pay for such property.

(3) The contemplated terms of payment required in any mortgage bear a proper relation to his present and anticipated income and expense.

(4) The property is suitable for the purpose for which it is purchased.

(5) Veteran's ability and experience are such that there is a reasonable likelihood that he will be successful in the venture.

(6) Interest rate must not exceed four per cent. per annum.

(7) Loan guaranteed must not exceed a term of more than twenty years.

(8) The mortgage securing the loan shall contain appropriate provisions granting any person liable for such debt the right to pay at any time the entire unpaid balance, or any part thereof. No premium shall be charged for such prepayment.

(9) Buildings, the value of which enters into the appraisal forming the basis for the loan guaranteed, shall be insured against fire and other hazards customarily insured in the community.

(10) The price paid or to be paid for such property does not exceed a reasonable normal value as determined by proper appraisal.

"Reasonable normal value" is the price the property would ordinarily bring, or the transaction would ordinarily cost, in a contract between a willing and well-informed buyer and a willing and well-informed

seller, both acting free from necessity and under circumstances not affected by economic or other conditions of an impermanent character.

The veterans and the Veterans Administration are fortunate in having as the head of our organization General Omar N. Bradley, who, upon appointment by President Truman, became Administrator of Veterans Affairs on August 15, 1945. During the short time he has been in office he has made many constructive changes toward the decentralization of authority to state level, to facilitate prompt, courteous and efficient service to each veteran.

I would like to quote in part a statement of General Bradley, made before the Veterans' Sub-Committee of the Committee on Finance, United States Senate, Monday, October 8, 1945, on H. R. 3749 and other bills proposing amendments to the Servicemen's Readjustment Act of 1944:

"Perhaps it is safe to say that the greatest amount of interest has been evidenced in, and the greatest amount of controversy has arisen over the loan guaranty provisions of Title III of the Act. The financial journals and the public press generally have displayed prominently criticisms and suggestions concerning such provisions. These range all of the way from minor modifications with a view to expedition of administrative procedures, to the entire elimination of the provision or the transfer of the functions to other governmental agencies. Particular emphasis has been placed by some upon the transfer of the home loan functions to the Federal Housing Administration. I have made no recommendation with respect to this matter for the reason that I feel it is the duty of the Veterans Administration to perform to the best of its ability those functions and responsibilities placed upon it by the Congress. Concededly, from the standpoint of purely functional operations, all responsibilities of the Veterans Administration could be transferred to other agencies. I believe, however, that it has been and will continue to be the view of the Congress that all veterans' benefits as such should be administered by one agency rather than being scattered among a number of agencies.

"Whether the loan provisions should be considered as a veterans' benefit is the question which some feel should be given further consideration. It would seem to be readily apparent that so potentially vast a program cannot be accomplished by any agency without the development of appropriate administrative machinery. It seems only logical to think that such machinery may be developed in one agency as well as in another. Some argue that greater efficiency may be obtained by centralization of responsibility in accordance with functions. Others insist with equal firmness that the veterans' program can be administered more sympathetically and understandingly by the agency responsible for all veterans' benefits.

Some would attempt to combine the two ideas by making the Veterans Administration responsible, but having the work performed by other agencies. It seems clear to me that the responsibility must carry with it the policy-making as well as the administrative functions.

"Great misunderstanding has existed from the very beginning with respect to the loan features of the Act. In some way, the impression was broadcasted, even to the most far flung battle fronts, that all the discharged veteran had to do was to take his honorable discharge certificate to some place and be handed out $2,000. Consequently, disappointment is expressed when he finds out that he has to go through the ordinary procedure with respect to getting a loan. It should be kept in mind too that the Act was intended, as the name implies, as a readjustment measure. Literally, the guaranty provision was intended to provide what ordinarily is required as a down payment in connection with purchasing a home, farm, business, etc. In other words, the guaranty took the place of the purchaser's equity. It must be remembered too that the governmental security provided was a guaranty and not an indemnity. In other words, the government, to the extent as to the amount guaranteed, absorbs the loss instead of sharing it with the creditor. Further, the Act provided stringent safeguards with respect to the veteran, as well as the government in requiring that the loan must be a practicable one and that the purchase price must not exceed the reasonable normal value, as determined by proper appraisal, of the property purchased. This latter provision was intended to protect not only the government and the veteran, but to mitigate against the recognized inflationary tendencies of the other provisions.

"In operation, it has been demonstrated that in many localities houses cannot be purchased at a price representing reasonable normal values. In the agricultural field, land values are such that practically no farms can be purchased on such evaluation. The provision is of lesser importance in connection with business loans, but the difficulty of the Act with respect to this type of loan is that it contemplates a secured loan, while the ordinary business loan partakes of the nature of a character loan.

"Notwithstanding the above named difficulties, it is believed that the present Act will operate satisfactorily with some changes in procedure—now being perfected—and minor modifications in the Act as follows:

1. It seems clear that the two-year limitation should be extended. It is inflationary and I think it can be readily recognized that many veterans will not, within two years after their discharge or the end of the war, be in a position to take advantage of this readjustment provision.

2. It seems that a more realistic approach should be made to the question of present values and that reasonable normal value requirements should apply to the amount of the loan rather than the amount of the purchase price. That is to say, if the veteran, for reasons satisfactory to himself, desires to pay the market price, he should be permitted to do so, but the amount of the loan should not exceed the reasonable normal value. This will afford protection to the Government and should go as far as is wise in protecting the veteran against inflationary values. Of course, a limit could be placed, but it should be recalled that the Act otherwise requires that the loan be a practicable one.

3. The provisions respecting farm loans should be somewhat broadened so as to include feed and supplies and improvements on land as well as buildings; and those with respect to business loans should be considerably broadened so as to include, in proper cases, inventory and working capital.

4. It is believed, however, that at least with respect to non-real estate loans, the guaranty provisions should be replaced by provisions for insurance. In fact, certain interests have urged that the entire Title III be rewritten to afford insurance of real estate as well as nonsecured loans, the government insuring such loans one hundred per cent., but with the maximum liability of—say $2,000.00.

It is believed that this would not be practicable with respect to real estate loans because it would afford full protection only to the extent of a $2,000.00 loan, or such other limit as may be placed on the Government's liability, in an individual case. On the other hand, it is not believed that it would be sound for the Government to insure all real estate loans one hundred per cent., bearing in mind that the purchaser has no equity therein.

5. A somewhat minor item, but one which causes great administrative difficulties, is the provision of the present Act respecting the payment of the first year's interest on the portion of the loan guaranteed. It would be much less expensive if this provision were changed to authorize simply the payment of a flat sum representing the amount of interest on the guaranteed portion for one year. This could be paid either to reduce the amount of the loan or to cover costs of closing the loan as may be deemed most desirable."

Colonel Smylie Shipman, the Regional Manager of the Veterans Administration for the State of Mississippi, has had years of experience in administering veterans' affairs in this state. He has been manager for the Mississippi office since 1924, with the exception of five years' military leave to serve on active duty in World War II. Many of you

know him personally. He is a veteran of World War I and World War II. His two sons are still in service. It is therefore easy to understand why Colonel Shipman has a thorough knowledge of the veterans' needs and a determined desire to see that all ex-service men and women, as well as their dependents, get prompt, courteous, and efficient service.

I hope that something has been said this afternoon that will contribute towards a common understanding of the Loan Guaranty Program. I wish to solicit the sympathetic support of the legal profession, throughout the State of Mississippi, in carrying out this far-reaching and important veterans' program.

Mr. Dinsmore then presented the next speaker on the program, Mr. James L. Easom, of the Veterans Administration in Jackson. Mr. Easom's address follows:

EDUCATION AND TRAINING PROVISIONS OF PUBLIC LAW SIXTEEN AND THE G. I. BILL OF RIGHTS, PUBLIC LAW 346, SEVENTY-EIGHTH CONGRESS

James L. Easom

As a representative of Colonel W. S. Shipman, Manager, and Mr. W. F. Wheatley, Chief, Vocational Rehabilitation and Education Division of the Veterans Administration, I welcome this opportunity to discuss with this group the Education and Training Provisions of Public Law 16, 78th Congress, which is the Vocational Rehabilitation Act of 1943, and Public Law 346, 78th Congress, which is the Servicemen's Readjustment Act of 1944, more commonly referred to as the G. I. Bill of Rights.

The Veterans Administration uses the term education in a loose sense, to apply to training in institutions, and uses the term training primarily to refer to training on-the-job in the trades.

Potential Load Of Education And Training

Before outlining the provisions of these two Acts, I wish to invite your attention to some of the implications of this program of education and training which are available to veterans of World War II. Latest figures as to the number of men and women from this state who have served or who are now serving in the armed forces, is approximately two hundred nine thousand. Inasmuch as our population is slightly in excess of two millions, this represents, in round figures, ten per cent. of our population who are eligible for education and training as provided by

one or the other of these two Acts. Never before in our history have such educational opportunities been made available to such a large group of people at the expense of the central government. That a considerable portion of the total number of men and women who are eligible will take advantage of the opportunity is unquestioned. As of this date approximately fifty-five thousand men and women in this state have been discharged from the armed forces. Of this number slightly more than five thousand have made applications for education and training. This is, as you will observe, approximately ten per cent. of the total which have been discharged. That the number of applications will rapidly increase is evidenced by the fact that applications for education and training under both Acts since June, 1945, has doubled each month. There is no accurate way of forecasting the number of veterans who will take advantage of the education and training provisions to which they are entitled, but it seems that a conservative estimate would be 20 per cent., which is approximately forty-two thousand of the two hundred nine thousand in the armed forces. There are a number of factors which will affect the decisions of veterans to take training and education. These are: availability of training facilities, housing conditions at educational institutions, and employment opportunities. Limitations of the first two will tend to decrease the number who will want education and training, whereas, limited employment opportunities will tend to increase the number who will take the education and training.

Provisions Of Public Law 16

Public 16 was the first legislation passed by Congress for the benefit of disabled veterans of World War II. I shall discuss the basic provisions of this Act, and explain how a veteran may secure the benefits to which he is entitled.

Any veteran regardless of age, length of service, educational level or any other condition is eligible for education and training under provisions of Public 16 who meets four requirements. (1) The veteran must have been in active military or naval service on or after September 16, 1940, and prior to the official termination of the war. (2) He must have a discharge from active service under conditions other than dishonorable. (3) He must have a disability incurred in or aggravated by service for which a pension is payable. (4) He must be in need of vocational rehabilitation to overcome the handicap of his disability. The purpose of vocational rehabilitation training is to restore to employability which was lost by reason of a disability incurred in or aggravated by service in the armed forces. The veteran who feels he is in need of such training to overcome the vocational handicap will initiate an application by filing Form 526, which is an application for pension claim. This application

is adjudicated and rated as to the degree of disability. Upon being advised that the claim has been approved, the veteran is informed as to the degree of disability and further informed as to his rights with respect to education and training under the provisions of Public 16.

Securing the Education and Training Under Public Law 16

On being informed by the Veterans Administration as to the existence of a pensionable disability, the veteran files, with the Veterans Administration, Form 1900, the application for vocational rehabilitation. When the application is received by the Veterans Administration, the veteran is furnished transportation, and instructed to report to the Advisement and Guidance Center located in the Regional Office in Jackson, in Hattiesburg, at State College, and at Delta State Teachers College. In conference with the Vocational Adviser, counseling and advisement are given to the veteran with respect to the selection of an employment training objective. In making this selection, the veteran's interests, inclinations, aptitudes, and other similar factors are taken into consideration. The selected occupational objective must be compatible with his disability. That is, the disability will not be further aggravated as a result of engaging in the chosen training objective and employment after reaching employability. As a result of this counseling and advisement the veteran reaches a final decision as to the training objective, and makes a tentative selection as to place and training date. The place of training may be in any approved educational institution or in any approved firm or trade establishment. The length of training to which a veteran is entitled is governed by the time required in order to be trained, but in no instance can the time exceed 48 calendar months; this is equal to more than five scholastic years in any educational institution.

Financial and Other Benefits While Pursuing a Course of Education and Training

Each veteran who enrolls in a course of education or training will receive an increased pension in an amount which will total $92.00 per month for a single person. A married person will receive $103.50 per month, plus $5.75 for each dependent child, and $11.50 for each dependent parent. In addition to these financial benefits, all tuition, matriculation, laboratory and similar fees, supplies and equipment customarily required of all students, are paid by the Veterans Administration. The veteran is further entitled to special medical and hospital treatment, and the furnishing of prosthetic appliances such as eye glasses, artificial limbs and dental work. If the necessity for an emergency operation arises, permission may be obtained to have it performed locally, and the cost paid by the Veterans Administration.

Nature of Training Provided

Veterans entitled to education and training provided under this act may in general pursue one of two, or a combination of the two, types of training. That is, professional and scientific training in educational institutions, or trade or job training in firms and trade establishments. Institutional training, as previously indicated, may be taken for such length of time as required to complete the course in the institution, not to exceed 48 calendar months, and may be taken in any approved educational institution in this or any other state. Job or trade training may be taken as an apprentice in some approved firm or trade establishment which will agree to accept veterans for training. While pursuing the course of training under this plan, the veteran may be paid for productive work. If the firm or trade establishment is operating under the Wage and Hour Law, the minimum wage of 40¢ per hour must be paid to the trainee for productive work performed. In no instance may the veteran in job training receive for productive work wages or salaries which, when added to his increased pension from the Veterans Administration, total more than the minimum entrance wage of a trained person performing the same type of work.

Supervision of Veterans While in Training

While pursuing a course of education and training, all veterans in training are given a careful supervision by Training Officers from the Veterans Administration. The purpose of this supervision is to determine, in the case of veterans in training in educational institutions, progress being made, whether in need for medical or hospital treatment, and in general serve as a liaison between the educational institution and the Veterans Administration. The veterans training on-the-job are given like supervision for the purpose of determining wages paid, progress being made in the various operations, and functions similar to those outlined for those in training in educational institutions.

PROVISIONS OF PUBLIC LAW 346

This is officially known as the Servicemen's Readjustment Act of 1944, but is more commonly known as the G. I. Bill of Rights. To be entitled to the educational provisions of this act, (1) a veteran must have served in the active military or naval service on or after September 16, 1940, and prior to the termination of the war. (2) He must have been discharged or released from active military or naval service under conditions other than dishonorable. (3) He must have served 90 days or more, exclusive of any period he was assigned for a course of education or training in the ASTP or the V-12 training program, which course was a continuation of his civilian course and was pursued to completion.

(4) A veteran who meets these three conditions and who was less than 25 years of age when inducted into the service, will be entitled to training for one year. Upon the satisfactory completion of this one year he is entitled to training for an additional period equal to the entire time he served in the active military or naval service.

Any person who was over 25 years of age on the date he entered the service, will be entitled to only one year's refresher course or retraining, unless he can establish the fact that his education or training was interrupted by virtue of his having entered the armed services. An example of this would be that of a person pursuing a medical course or one who was studying for an advanced degree in some institution of higher learning.

Place of Training

The veteran may take his training at any approved educational institution in this or any other state, provided he is acceptable to the institution and meets the necessary entrance requirements. Those who wish to take job training may do so in any approved firm or trade establishment.

Establishing Eligibility for Education and Training

The veteran files with the Veterans Administration Form 1950, along with the original or a certified copy of his discharge. The Veterans Administration, in turn, will furnish the veteran with a Certificate of Eligibility. The certficate shows that the veteran is entitled to training under the provisions of Public 346, and states the length of training time to which he is entitled. Upon receipt of this Certificate of Eligibility the veteran presents himself and his Certificate to the approved educational institution of his choice or to an approved firm or trade establishment which will accept him for training. The educational institution or the firm, as the case may be, will indorse the Certificate of Eligibility and return it to the Veterans Administration. Upon receipt of this certificate, the Veterans Administration proceeds to place the veteran in pay status so he may receive the subsistence allowance to which he is entitled.

I am sure it will be of interest to many of you to know that we have one veteran training on-the-job with a law firm in Jackson. He is receiving from the firm a small salary for productive work. He is also attending the Jackson School of Law at night, the cost of which is being paid by the Veterans Administration, and the veteran himself is receiving the subsistence allowance to which he is entitled.

Monetary Benefits

All veterans without dependents, while pursuing a course of education or training under the G. I. Bill of Rights, are entitled to $50.00 per month subsistence allowance, and all veterans with dependents are entitled to $75.00 per month subsistence allowance. In addition to these monetary benefits, all fees such as tuition, matriculation, laboratory and similar fees, plus books, equipment, and supplies customarily required of regular students, will be paid by the Veterans Administration. The veterans in training under this Act are not entitled to transportation to the place of training, nor are they entitled to secure the special medical and hospital treatments to which those are entitled who are in training under the provisions of Public 16. All costs incident to the veterans' training under the G. I. Bill of Rights will be deducted from any future bonuses which Congress may grant. It is evident that there are some advantages to those veterans who may be entitled to the benefits under both Public 16 and 346, to take their training under Public 16.

SOME PROBLEMS WHICH FACE MISSISSIPPI

Further reference is made to the statement in the beginning of this discussion with respect to this being an educational challenge to the citizens of Mississippi.

No doubt, all of you know that Mississippi is, educationally speaking, one of the poorest states in the union. It is the opinion of those of us who are charged with the responsibility of administering the provisions of these two Acts that our educational facilities are not adequate to meet the demands which will be made by veterans. That the Governor and leaders in education recognize this fact is evidenced by their efforts to secure additional facilities for institutions of higher learning, and additional facilities for training men in the trades. We are told that approximately 40 per cent. of the total men serving in the armed forces are Negroes. It is reasonable to suppose that with the return of all service personnel to civilian life, there will be some unemployment. Consequently, it is likely that some veterans, particularly Negro veterans, will be interested in securing funds provided by these Acts as a means of livelihood, and at the same time to secure training for some trade. This will place an unprecedented burden on our educational facilities.

President Adam presented Mr. W. A. Ellis, of Carthage, who read two poems:

ROOSEVELT: OUR PRESIDENT
1882—1945

Roosevelt is dead. His labors now are ended
For freedom and immortal rights of man,
For which he lived, loved, died, always defended,
At home, abroad, in ev'ry allied plan.

Roosevelt is dead. The voice of many a nation
Is heard lamenting his untimely death,
But rest assured of one great consolation,
He made a noble fight and kept the faith.

Roosevelt is dead. His spirit has departed
To join the grand old heroes gone before;
His passing makes us sad and broken-hearted,
To think we'll hear his cheering voice no more.

He made mistakes—that is a fact, my brother—
In peace and war, in complications great,
But after all, there was, perhaps, no other
Could fill his place in all affairs of state.

Restored the banks to confidence and credit,
To struggling poor, he gave his constant care,
Whatever needed most, he thought and lead it,
Brought order out of chaos ev'rywhere.

Built public works of ev'ry name and order,
Highways and bridges, parks, and schools galore,
From sea to sea across the rising border,
Such as the world had never seen before.

His policy was friendship with his neighbor,
For peace, good will to nations of this earth,
Not waging war nor rattling of the saber,
But peace, friendship and ev'ry moral worth.

He speaks to us like Moses from the mountain,
Imbued with power and a shining light;
His memory still sparkles o'er the fountain
Of justice, mercy and eternal right.

In spite of all our prayers and constant yearning,
He's now beyond the reach of praise or blame,
Has reached that land from whence there's no returning
Where rich and poor are simply just the same.

In perils oft, in painful self-denial,
He lived and died a martyr—worked to death—
For native land, and foreign, fiery trial,
With all his powers to his latest breath.

He never lived to see full consummation—
The world redeemed from Jap and German ire,
But knew atomic bombs in preparation,
Could sweep the world with devastating fire.

Since life is done and all his labors over,
Hyde Park, his home, shall be his resting place,
The home of youth, manhood and happy lover,
The noble scion of a mighty race.

Roosevelt is dead but lives in song and story,
As freedom's great apostle, world-wide call,
While round his head, beat lambent flames of glory,
Enlight'ning many nations, great and small.

As statesman, he'll be quoted through the ages,
Will live in song and story, most sublime,
Since greater man in rare, historic pages,
Has never lived in all recorded time.

Roosevelt will live in people's true affection,
Like Washington and Lincoln's mighty name,
In broad, compassionate, deep recollection,
In deeds of glory and undying fame.

W. A. Ellis

AMERICA'S MISSION

1945

The cruel German, Japanese,
And Italy, the land of art,
Have all been beaten to their knees
With aid of allies on our part,
By great, heroic, vast endeavor
Unending stores that failed us never
Enabling us to stand forever
Against war lords without a heart.

We have all nations to defend
Except a few without a soul

All seas and oceans without end
From east to west, from pole to pole,
Because of war and traitor driven.
No greater task was ever given
To braver people under heaven
While time and tide shall roll.

Our army, navy and marines,
Atomic bombs and flying corps,
Have struggled in such battle scenes
The world has never known before,
Such death, disease and tribulation
Which John foretold in Revelation
To ev'ry kindred, tribe and nation,
Till time shall be no more.

We fight for home and native land
And others longing to be free
That all the world may understand
Sweet freedom's song of liberty.
We hear some distant voices calling—
Come help us, keep from crumbling, falling,
Beyond redemption and recalling
Down in the deep, blue sea.

Munitions, money, men, supplies,
And all we hold of real worth,
We offer as a sacrifice
For world-wide freedom's glorious birth,
All on the altar, dedicated,
Unto a cause that's consecrated,
Till freedom shall be consummated
To all the people of this earth.

W. A. Ellis

President Adam introduced Colonel Fred W. Bradshaw of Jackson, who presented to the Association Brigadier General Thomas H. Green, Acting Judge Advocate of the Army. General Green's address follows:

THE JUDGE ADVOCATE GENERAL'S DEPARTMENT AND THE CIVILIAN BAR

General Thomas H. Green

There are many reasons, not unmixed with deep personal sentiment, why I am especially happy to have been invited to address the Mississippi State Bar Association. Not only has your grand state furnished us with many of our finest officers, but for one in particular I shall always cherish memories of the most genuine friendship and esteem.

I refer to the late First Lieutenant George R. Neblett, of Shelby, who served as my aide and whose loss in an airplane crash at Fort Leavenworth, Kansas, on December 26, 1943, was mourned in Washington by all who knew and worked with him.

Lieutenant Neblett, in my opinion, represented the highest type of young American our country produces. He was not only an efficient officer and brilliant lawyer but was imbued with the patriotic fervor that has made our Army irresistible on the field of battle. To you who knew him as an outstanding student at Ole Miss and as an able prosecuting attorney in the Third Judicial District, I can add but little new in praise of his life and character. I welcome the opportunity, however, of paying this tribute to his memory before his friends and associates in his home community.

Rather than talk on a formal legal subject, I think it preferable that I discuss with you some of the duties and accomplishments of the Judge Advocate General's Department during this war. In the way of duties, those of the Judge Advocate General correspond in the main to those of any general counsel. We deal with every phase of the general and special law, including both criminal and civil matters.

Our main office is in Washington where the Judge Advocate General is the legal advisor of the Secretary of War and the Army. We have a branch office in Paris, in Casserta, Italy, in Manila, and in Chungking. Each of these branch offices is in charge of an assistant Judge Advocate General who reviews the legality of all court-martial cases within his jurisdiction. We also have judge advocates in every division or large combat unit, and at every sizeable post or command throughout the world.

We have a staff of experienced officers who act as legal advisors for each of the theater commanders. We also have judge advocates engaged in many phases of procurement, matters pertaining to contracts, taxes, admiralty and innumerable other legal matters. We are 2700

strong. Of that number approximately 2600 came straight from civilian law firms.

At the beginning of the present war there were a mere 100 officers of the regular army which, with a small number of reserve officers, comprised the Judge Advocate General's Department. Of those, one was at Pearl Harbor on December 7, 1941, at the time of the treacherous attack by the Japanese. At the outbreak of hostilities, when martial law became necessary, a judge advocate was appointed executive in charge of the administration of all civil affairs of the territory.

Then began the longest period of martial law in the history of our country. The rehabilitation of the civilian population of the territory of Hawaii under martial law was extraordinary and its recovery may be measured by the fact that within a few months the air and other facilities were so restored and expanded as to contribute materially to the magnificient victory of our forces over the Japanese at Midway. The accomplishments of martial law in the territory of Hawaii during this war will unquestionably find a place in history and will bring great credit upon the Judge Advocate General's Department.

At this time I am happy to express appreciation for the loyal manner in which your Association has supported the Legal Assistance Plan of the Army, which is supervised and administered by the Judge Advocate General and the members of his department. This we believe to be one of our important contributions. At your annual meeting in June, 1944, a War Department Certificate of Appreciation was presented to your Association for its cooperation in this effort, which has been effectively and generously carried on in Mississippi by your Committee on War Work.

Today I wish to repeat and re-emphasize our gratitude and to state that figuratively speaking, a year's service stripe has been added to that certificate. In particular, I want to commend Mr. Forrest G. Cooper, who served as chairman of the War Work Committee until about a year ago, and Mr. Luther W. Maples, the present chairman, for the leadership and devotion they have displayed in this service to our military personnel.

I think perhaps that the full value of this important service may not be fully realized even by those who are engaged in providing it. Each of 27,000 civilian lawyers of the nation who are assisting the Army and the Navy in this work knows of its good results in the individual cases that come to his office. But it is only when we look at the over-all picture that we begin to appreciate its tremendous scope and significance.

Since it was inaugurated in March, 1943, under the joint auspices of the American Bar Association and the War and Navy Departments,

approximately seven million legal assistance cases have been handled in the army alone. This will give you some idea of the immense volume of business that flows through our legal assistance offices now functioning here and abroad. I do not have the figures for the Navy Department's legal assistance program but you may be sure that they are equally gratifying.

Seven million cases represent a lot of law business—a lot of individual problems straightened out—a lot of servicemen and their families who have had some of the anxiety taken out of their lives; a lot of soldiers, too, who have been made better fighting men, because they could stop worrying over their loved ones at home and give their full minds and energies to the job of defeating our enemies.

The transaction of this great volume of business by the members of the bar, both military and civilian, has contributed hugely to the morale of our armed forces. The morale of the soldier in the midst of danger and conflict needs to be sustained in every way possible. But so does the morale of the man doing routine and undramatic duty in a faraway, foreign occupied country or in some remote and lonely portion of the world. So does the morale of the man who is being demobilized and facing the problem of readjustment to civilian life. And so does the morale of the bewildered, discharged veteran who is looking desperately for a job in order to support himself and his family. That is why neither the responsibility nor work in legal assistance can stop with the termination of hostilities.

Let me quote from a report recently received from a legal assistance officer at an Army base in the Aleutians.

"Legal assistance," he writes, "continues to be a pillar of morale in this everlasting battle against isolation, time and weather."

I cite this merely as a typical example of the observations being transmitted from the field reflecting the views of officers in direct contact with servicemen and thus best able to judge their needs and reactions. It is obvious that these men who are away from home serving their country still need our help and I am convinced that the civilian bar will not deny it to them.

So long as a man remains in the Army, we in the military and you in civilian practice together can take care of his need for legal service. However, once the soldier becomes a civilian, the task must be shouldered by you alone. You can render a great service by discharging this obligation. It will be an invaluable contribution to the human reconversion problem. The American Bar Association is alive to this continuing

need. Last May it adopted a series of recommendations providing for further legal service to those who have been discharged as well as those still in the armed forces. I am sure that all state bar associations will study the matter and that appropriate provisions will be made.

Another of the more important phases of the work of the Department is the administration of military justice throughout the army of some ten million men and women. This has been a difficult task complicated not only by the size of the army but by its widespread distribution over the entire globe.

Military law has been administered from the jungles of the South Pacific to the frozen reaches of the Arctic Circle. It has been accomplished by lawyers who but a short time before were engaged in private practice. Under most trying conditions and often amid strange and unfamiliar surroundings and customs these men have carried out their duties with zeal and efficiency.

All have done their level best to see to it that every offender against military regulation or law has received the fair trial for which American military justice stands. A splendid job has been done in this respect. The military justice system in the Army, like everything else which depends upon human behavior, is not perfect. However, those acquainted with it know that in every case the successive statutory reviews which are made without any necessity of appeal on the part of the accused, give the accused even more legal protection than is normally afforded in civil process.

Since the system is administered by men, mistakes will inevitably be made. Such mistakes, particularly under the tension of war, are understandable. However, when errors have been discovered the Judge Advocate General's Department has "made no bones" about correcting them fully and speedily. Neither pride nor dignity has been permitted to stand in the way of justice.

Based upon the records of our office, the Army has good reason to be proud of the deportment of the American soldier. Violations of either civil or military law have been the exception rather than the rule. Thanks to his character, training and discipline, the American soldier has won the good will and esteem of civilians wherever stationed. It is my belief that this training will stand him in good stead upon his return to civil life and will be reflected in his attitude as a law-abiding citizen.

In yet other ways the administration of military law in this war has been aimed at the objectives of humane treatment and strict justice. Our office was one of the first to sponsor the establishment of rehabilitation

centers for the salvaging of offenders and their restoration to duty and good standing and the introduction of modern methods of penology in the handling of Army prisoners. As a result of this innovation almost a division of combat troops had been returned to the line by the time the war ended.

A great deal has been seen in the public print concerning the severity of the sentences of military courts. In ordinary times sentences of courts-martial compare very favorably with those of the civil courts. In time of war the enforcement of discipline is paramount. The sentences therefore are of such a severity as to enforce that discipline. As a consequence, the severity of the sentences is apt to increase, particularly on the fighting fronts, where the success of the battle depends upon immediate and complete obedience to the commander. Since the cessation of hostilities the necessity of heavy sentences has diminished. In order that full justice may be done all military offenders, clemency boards set up by the Honorable Robert P. Patterson, Secretary of War, are now re-examining the records of trial in the cases of all persons who are in confinement as a result of the sentence of a general court martial. By the time the work is concluded, the case of every general prisoner in the Army will have been thoroughly inspected in the interests of reducing or remitting his sentence if clemency is justified.

It might be interesting to you to know that the policies in this respect are being formulated by a board consisting of Judge Sherman Minton, of the United States Circuit Court of Appeals; Mr. Austin H. McCormack, vice-chairman and well-known penologist; Brigadier General Rufus S. Ramey, of the Army Ground Forces; Col. Hubert D. Hoover, of the Judge Advocate General's Department; and Lieutenant Colonel James P. Hendrick, of the Office of the Under Secretary of War.

We believe that the system of military justice is sound and has been well administered during the present conflict. The first responsibility of the Army is fighting and winning battles. The maintenance of a well-disciplined organization, with the minimum loss of manpower, is also important. Accordingly, the Army seeks to draw the best out of every soldier who is serving sentence, to the end that men may be given an opportunity for the restoration of their self-respect and honorable service.

I desire to mention briefly the very important subject of claims. This Department is concerned with claims of three classes: (1) those for personal injury, death or property damage in this country; (2) similar claims arising in foreign countries where United States troops are stationed and the Foreign Claims Act is applicable; and (3) so-called per-

sonnel claims, which are claims of service personnel for the loss of their personal property in transportation, in combat, or otherwise incident to this service.

Our Department supervises the settlement of such claims all over the world. The volume of the work was such that it was decided that the job could best be done by a decentralized system of Claims Judge Advocates and Claims Officers. Gradually regulations were devised and perfected which, as to substantive law, adopted what might be said to be the average of the conflicting laws of the various states and which, so far as procedure was concerned, followed as closely as possible the recognized commercial claims practice. As you may well imagine our business in this field has been brisk at all times.

We have had to adopt some philosophy or uniformity of attitude toward this great mass of damage claims of which a large percentage have arisen from traffic accidents but many of which have, of course, arisen from airplane crashes, troop maneuvers, and maritime operations. It cannot be said that our officers have been ambulance-chasers, if the goal of such a chase is a prospective claimant. They have, however, frequently approached the zeal of an ambulance chaser in order to obtain a prompt and complete investigation for availability later, in the event of an administrative claim or the initiation of special relief legislation as to the merits of which The Judge Advocate General will be called upon to report.

As in your private law practice, promptness has been of the essence. A striking example of this was the recent Empire State Building crash, which happened shortly before noon and which, before the afternoon was over, was being vigorously investigated from an Army Claims Office established in the building and staffed by officers from our office and local Air Forces claims officers recruited by telephone.

Promptness has been necessary also in the settlement of claims if we were to avoid a great accumulation as the war comes to an end. We settle most fact claims within less than 30 days from the time of filing. Individual cases, as in your own practice, often take considerably longer and whenever there has been serious doubt we have tried to stress the obtaining of the real facts and a just result rather than an unmarred record of rapid disposition.

Our personnel claims present myriad problems. We have had troops operating in nearly every foreign country. Their personal effects have been lost, I think, in every conceivable manner.

We are making every endeavor to see that service personnel pre-

senting these claims receive from the Government the amounts of which they are entitled under existing legislation.

I think that the War Department's philosophy as to claims generally may be summed up as this: That we are neither an advocate for the claimant nor are we the defense attorney for the Government. We are exercising quasi-judicial powers and it is our job to see that neither the claimant nor the Government is over-reached, but that he who presents a claim receives from the Government as much but no more than that to which he is fairly entitled under the law. I am extremely proud of the fine performance of the Department in its claims activities.

Concerning the prosecution of war criminals, about a year ago we established a War Crimes Office. That office has been gathering evidence which will be the basis of the trials of war criminals at Nuremberg, Tokyo and elsewhere. Suffice it to say that this is unfinished business.

There are of course many other activities of the Department which are too numerous to mention here.

In closing, let me say that the contribution of the men of my Department to the victory over our enemies has been an inspiring one. It is from your ranks that we have drawn the many hundreds of sound young attorneys who have been graduated from the Judge Advocate General's School at the University of Michigan. These young men have then gone forth into the far corners of the world to carry out their legal assignments. Many have seen strenuous combat service and wear decorations for gallantry and bravery. Indeed, more than 100 members of the Judge Advocate General's Department have now received citations of various types for outstanding services to the Army.

We have a tremendous amount of work yet to do. Notwithstanding this fact, no officer of our Department eligible for discharge is being detained in the Army. However, many who have already made great personal sacrifices during the past few years are voluntarily staying on because they feel they are needed for a while longer to get the job done.

I can only state that this patriotic devotion to duty, demonstrated time and again in this historic old outfit, is in the best traditions of both the Judge Advocate General's Department and the American civilian bar.

As you may notice, gentlemen, I am a little partial to my Department and am not the least conservative in singing its praises. I think that you will pardon me for my seeming lack of modesty when I tell you that during the entire period of which I have spoken the Department was led by Major General Myron C. Cramer, The Judge Advocate

General. I have only admiration and respect for him, and as his successor I feel that I have a very high mark at which to aim.

The convention then adjourned for the day.

MORNING SESSION, OCTOBER 25, 1945

President Adam called the meeting to order and called on Mr. James T. Kendall, acting chairman of the Junior Bar Section, for his report of that organization. His report follows:

REPORT OF THE JUNIOR BAR SECTION

The report of the Junior Bar section this morning, as for the past few years, is rather on the negative side. As most of you gentlemen know, the Junior Bar activities have been greatly curtailed from the fact that so many from our ranks went to the armed forces. Therefore, for the past several years, our chief ambition and our aim in meeting has been to hold our organization together, and that we have successfully done. We believe, however—and we look upon the future with some confidence—that beginning this year we will be able to reactivate the ranks of our organization and to place our activities on the plane that they have been in the past.

Just as we need the counsel and experience of the older men, so do they need the vision, enthusiasm and energy of youth. I believe that you will all agree with me on the proposition that the young men of the Bar Association, members of the Junior Bar Section, have in the past been a dynamic force in our organization, and we believe that from now on we will once again be such a force; that there is great power for good in this organization, and that the organization will build something for the future, and we need now, as we have in the past, the counsel and guidance of the older men of the Association; and we need your help, because the young men of this Association shall build the future of the law practice of Mississippi, and of the Bar Association.

We met Tuesday night and we elected our officers for the ensuing year; and it is my pleasure to introduce our chairman-elect, Dr. John W. Wade, of University, Mississippi.

PRESIDENT ADAM: It so happens that Dr. Wade is substituting this morning for Judge Kimbrough, from Ole Miss, and I am going to ask him now if he will give us the report of the Law School activities of the University.

REPORT OF THE LAW SCHOOL

JOHN W. WADE

As President Adam has said, I am serving as a substitute for Dean Kimbrough in making this report on the Law School. This comes with almost as much surprise and certainly with as much disappointment to me as it does to you. Judge Kimbrough had planned to attend the meeting and to make the report but at the last minute it proved impossible. There is one reason, however, why I am glad that I am the one who is making the report. It is that I can tell you what a magnificent job he has been doing during the war years in keeping the Law School going.

Even before the United States entered the war we were losing students to the Armed Forces and after the actual declaration the movement from the Law School to the Armed Forces proceeded much more rapidly. Members of the faculty also left for this purpose and the Law School suffered heavily. At one time Judge Kimbrough was the only fulltime member of the faculty and there were only nine students in the school. Money allotments from the University were cut accordingly and it was only through the remarkably vigorous efforts of Judge Kimbrough that the Law School was able to keep in session. In this connection I should like to express for him and the Law School, appreciation to Judge Taylor McElroy, Mr. Hollis Brown and Mr. Chester Sumners, all of Oxford, who in spite of the fact that they were very busy in their legal activities, generously offered freely their time in keeping the classes going. Judge Kimbrough's work during these difficult and trying times was so continuous and so unremitting that at one time he almost exhausted himself physically and he found it necessary this summer to rest; but at the present time he is again actively carrying his full load of Law School work. To him is due the real credit for the Law School which is now in existence.

Now, at the present time, the dark days are over. The members of the faculty are back from the armed services. You may be interested to know that of the present faculty of the Law School, 66⅔ per cent. participated in the armed services during the war and that they were represented in the Army, Navy and Marine Corps.

We now have 44 students and of these 80 per cent. are veterans. We are anticipating a doubled enrollment next semester. The Law School recognizes its obligation to these returning veterans. The veterans who will return as upper-classmen will be allowed to enter any semester and take up their work. New students in the Law School will be allowed to enter the second semester of this year with a complete course and will also be allowed to enter the School in the summer or next fall. The Law School will provide a summer session

so as to enable students to finish the work for the LL.B. degree in a period of two calendar years instead of the three academic years normally required for completion.

The Law School is also interested in a program for the young lawyer veterans who have already been admitted to the bar. The Bar Association has likewise been vitally interested in this program. President Adam appointed a special committee on War Readjustment with Judge Kimbrough as Chairman and Mr. L. H. Doty as Vice-Chairman and a personnel of twelve. This committee did not find it possible to come together for an actual meeting, but it corresponded at some length and Judge Kimbrough has asked me to present the following recommendations for the committee:

First. It is recommended that if any returning veteran desires a refresher course, that he plan, if feasible, to come back to the Law School and take courses there offered either for one semester or for one year.

Second. If there is a sufficient demand for a special survey or refresher course to last for a short period of time, arrangement will be made to offer this course. Correspondence has already been had with Mr. James McClure of Sardis, Mr. John W. Kyle of Sardis and Mr. Fred Smith, of Ripley, who have all agreed to offer their time and services, if the course is established. As yet there has not been sufficient demand to set this machinery into motion, though Judge Kimbrough has received some correspondence in regard to the matter.

For a minute further I should like to talk with you concerning the Law School and the future. If the percentage of returning veterans who come to the University this term and who entered or plan to enter the Law School is any indication, the Law School can expect to have a phenomenal increase within a comparatively short time. The peak number of students in the past has been something over 120. Indications now are that by next September or shortly thereafter we may even double that number. Back when we had 120 students we were seriously overcrowded and there was not sufficient room for students to study, there was need for more class rooms and there was need for additional library facilities. If we double the number of students that we then had it seems very hard to understand how we can accommodate all of the students, most of whom will be returning veterans. The Nation, the State, the State Bar and the University all owe a tremendous debt to them. The University as a whole is recognizing this debt. It is planning to ask the Legislature for sufficient funds to construct an annex to the Law Building, which will allow us adequately to provide for the law students. In behalf of the Law School and the University I earnestly solicit the support

of this State Bar in our efforts to obtain these funds. It would be unfair to the University, however, for me to say this much without indicating that there are other needs which the University has and that some of these have been placed prior in importance to the need for the Law School annex. Additional dormitories, for example, and an additional classroom building are urgently needed; and in soliciting your support in our attempt to secure the Law School annex I am necessarily by implication requesting your support for these buildings, which are listed as more vitally needed.

In conclusion I should like to say that the University Law School is very proud of its relationship to the State Bar. It is our feeling that the two organizations are mutually inclusive. A large percentage of your members are alumni of the Ole Miss Law School and on the other hand every member of the present Law School faculty is also a member of the Mississippi State Bar. The members of the faculty have always been greatly interested in the Bar and have attended its meetings faithfully. This present meeting came at a time in the middle of the fall semester when it was impossible to arrange for every member of the faculty to attend, but when the next meeting takes place in the summer you may expect to see the whole faculty present, Chancellor Butts, Judge Kimbrough, Mr. Fox, Mr. Fant, Mr. Andrews and myself. We like to visit with you and feel that we are a part of you. Won't you in turn visit us, use our facilities, our library and our *Law Journal*? This is not just a formal invitation. It is sincerely meant. The Law School likes for the members of the Bar to visit it. There are big days ahead for the Law School; these are big days now for the Bar. It is our hope that we may work together for the best interest of the State in every way.

President Adam presented Mr. B. B. Allen of Indianola, whose address follows:

REHARNESSING FOR PEACE

B. B. Allen

We have come to the end of the most devastating war of all times, in which more lives were lost, more casualties suffered, more property destroyed, and more money spent—over a trillion dollars—than ever before. Our boys have fought and defeated the best armed, most persistent and brutal force of fanatics the world has ever seen. And we, on the home front, have denied ourselves, sacrificed, worked and produced—most of us—harder than ever before in the fight to preserve our freedom.

The big single job confronting the country today is demobilization—getting our service men and women back into civil life and gainful employment. They have done an outstanding service to the nation and must be speedily rehabilitated. They have seen the world as no other generation has seen it; they have seen at first hand the sad plight of other peoples of the world, and the systems of government under which they live, and understand now as never before the superiority of our system over that of any other government in all the world. They will return to us better citizens, greater believers in our system; and will bring back to us a new enthusiasm, a new vision, and a deeper appreciation of our system of government that will inspire us to greater things to come.

Labor Disputes

We now enter an era of peace, which, if established, will require the united efforts of everyone working with equal zeal and energy. There is now such a demand for consumer goods that there is a job for everyone willing to work. The country is literally crying out for these goods, and must have them in order to supply a long delayed need. Yet, just as we begin the shift from war to peace, we find the country tied up by paralyzing strikes and walkouts which prevent our conversion to peace and the supplying of these great needs.

We all know when avarice and greed enter the human breast, conscience fails, oppression is the order of the day, and money is often used as a means to destroy the fortunes of the man in distress. In these circumstances, the people speaking through the Congress demand protection against these evils, and such remedy often punishes the innocent along with the guilty.

Neither side in this controversy is the repository of all the good, nor all the vices. I am not here to lay the blame on anyone or any group, but rather to point out growing evils that are retarding our return to peace. The public has an interest in these problems, and that interest must be respected. It is of the effect of these conditions on our economy that I shall speak.

Strikes, in effect, punish the public and are calculated to cause the public to bring pressure on the other side to adjust these differences. So that the public, in the final analysis, is the chief sufferer in these disputes. The people will not always carry this burden, nor be punished by the deeds or misdeeds of either of the contending forces. We all recognize that labor is entitled to fair wages and living conditions, and that industry is entitled to a fair return on its investment, so that jobs may be created and maintained for all, and the public enabled to carry on.

When our founding fathers reached these shores, each provided himself with the necessities of life; but as the country grew, it became evident that it would be best to divide up the field—some to grow food, some make clothes, some to distribute them. They then adopted a system, and issued money so that a dollar would amount to a unit of service to be given in exchange for the commodities produced by others. This system has been followed since. Each individual, therefore, voluntarily undertook to do some necessary service on which others grew more and more to rely; each became obligated to "carry his end of the stick," so that others could live. The country has relied on the other fellow to carry on in his line to keep things moving.

So it is, that when it comes to the point where those undertaking to furnish food, those who had undertaken to furnish fuel, and those who had undertaken to distribute them, cease to function, through some grievance, real or otherwise, then it is that the rest of the people relying on these services must suffer.

All thinking men believe in the right of the people to organize and promote their common interest. All of us work, either with hands or brains, and some with both. Everyone is a laboring man. It is estimated that only about 10% of our people belong to unions; 90% of them do not.

Unfortunately, there are some in this country who are animated by selfishness and greed, and we may expect this to continue for the foreseeable future. As a result of this, abuses had grown up. In an attempt to remedy it, the government stepped into the picture and granted unto the unions special privileges, but did not fasten onto them any responsibilities. It is fundamental that with every privilege goes a corresponding responsibility. The members of these unions must be given a voice in the management of the affairs of their organization, and they must acknowledge and perform these responsibilities, or the people will demand that the government do so. The funds of the unions must be used for the exclusive benefit of its members, and not diverted to political purposes.

The unorganized 90% of the people will not be penalized in their business, frozen, starved, deprived of their right to live, or to the fruits of their honest toil by 10% of the population. This unorganized 90% will demand that the government protect their interest against the organized minority. The people will not permit themselves to be destroyed.

We are rapidly approaching the day in this country, if indeed it has not already arrived, when there must be set up a board of arbitration consisting of fair-minded men, say two drawn from the ranks of labor,

two from industry, and five from the public—all working to the common good. And this board must be invested with power to settle all disputes that threaten our economy, and to enforce their judgments, to the end that the welfare of all the people shall be preserved.

President Truman has said that,

> "When the people of the world fully realize that the public welfare really is the supreme law, we may at last have a real peace on earth, and good will towards all mankind."

Useless Public Spending

For some time, and especially during the war, we have lost sight of the value of government money, and forgotten that sooner or later it must be repaid by the people with interest. *Useless* public spending must be stopped, and the whole field of government expenditures must be reviewed to the end that waste of public funds must come to an abrupt end.

The people have been too prone to accept from the hands of a willing Congress gifts and donations. There is an apparent disposition on the part of so many Congressmen to get everything from the government for their respective districts they can, disregarding the dangerous implications to the government. And as I speak to you today, we find pressure groups seeking to get the government to take over the financing of every conceivable project; and that, too, when the national debt is approaching 300 billion dollars. They would have the government take over in large measure the support of the public school system of this country, without stopping to realize or care that this means in the end government control of the last bulwark of our civilization.

Indeed, there are as many schemes to get money out of the government as there are politicians. It is high time the people refused to accept these "benefits" and doles. Let us not forget that it was just this sort of thing that brought about the downfall of France, and it will surely bring us to ruin if we do not stop it. The "Grab" system in public life must stop.

We must get away from the idea that it is the duty of the government to support the people, and return to that policy which made us a great people and when it was the acknowledged duty of the people to support the government. Let us ever bear in mind that with every gift from the government we lost some of our liberties, and that if we would remain a free people we must discharge our full duty of citizenship, and operate free from government supports and controls.

There are many in high places in this country who are not in sympathy with our system of free enterprise, and who in derision refer to it as "a capitalistic system"; and these people are the free spenders of our public money. It is axiomatic, that if you wreck the credit of this government, you destroy its money, which is merely the unperformed labor of the country and known as unearned capital. Why, then, should thinking people continue to listen to this group of radical spenders? They are advocating the shortest road to communism and ruin. Why not junk their ideology, and return to sane policies of thrift, living within our income, and retiring this huge national debt? To accomplish this, we must stop asking or receiving useless spending from the government.

Making Courts Work

At this time in the life of this nation, every department of the government must be made to function efficiently within the framework of the Constitution, to which all peoples everywhere are looking today with so much admiration and respect.

The framers of our Constitution, recognizing the inherent dangers to liberty by a concentration of power in one man or in one department, wisely divided the powers of government into three separate and distinct branches, and provided that there must be no encroachment by one department over that of the other. These great and wise statesmen knew that when any one of these three independent departments ceased to function, or was weakened by another, there would be a merger into the stronger department, thereby impairing our liberties, and that tyranny would ensue. It is the function of the courts to prevent such merger and encroachment by boldly, in the exercise of their constitutional powers, striking down any form of encroachment by one department over the prerogatives of the other. If the courts fail in the discharge of this duty, then our liberties are gone and we cease to be a democracy.

The lawyers of this country are expected to make the judicial branch of the government function to the end that justice shall be done without regard to person. We inherited this responsibility as a result of the confidence of the people, and we can only enjoy this position so long as we make the courts work. The courts must stand ever as a protection against the autocracy of both the classes and the masses. The lawyers on and off the bench must at all times devote their efforts towards the attainment of justice if we would retain our position as guardian of the liberties of the people. Any dereliction of this duty undermines our liberties and weakens our honored profession.

I say to you in all frankness that it is just as harmful for the lawyer on the bench to be influenced by his prejudices for or against a litigant

or any type of lawsuit authorized by law to be tried, as it is for a lawyer off the bench through zeal for his client to do anything that denies justice to a litigant. Indeed, in the estimate of a layman, it is immaterial whether an injustice be done through prejudice, or brought about by downright corruption and dishonesty; the result is the same.

When justice fails, an injustice has been done in the name of the law that strikes at the very foundation of our system, and brings the courts into disrepute.

Let us, therefore, perform our duties as lawyers in such a manner that the people will continue to regard us as guardians of their rights and liberties; let us make the courts work, and thereby preserve unimpaired the liberties of the people.

It becomes the duty of the lawyer to lead the people in a campaign to set our domestic house in order by the elimination of those forces which weaken us at home and abroad, so that this government may be reharnessed to meet the problems that lie ahead of us.

Strength In Peace

George Washington once said, that, "Every man and woman who aspires to live under the protection of a free government owes not only a part of his property, but his or her personal services as well in its defense."

If we would remain free, we must remain strong in spirit and strong in might. We must not weaken the defenses of this Government as an invitation for the selfish and ambitious forces to destroy us, either from within or from without. We must not again sink our navy as a gesture of our peaceful intentions. Never again must we, like an ostrich, bury our heads in the sands when the dark clouds are gathering for a storm, and then with the tempest beating violently about us, raise our eyes to behold that we are surrounded by an enemy bent on our destruction.

We must not gamble our liberties on the hope that if war again comes, the enemy will oblige us by fighting elsewhere until we get prepared. Every man and woman must be willing to give of his or her time and money to maintain our defenses at all times. Had we followed this course in the past, World War II would not have occurred.

As Americans we are firm believers in the principles of international cooperation; we must also be realistic in our approach to world affairs. Let us ever remember that until the principles of the Golden Rule shall have been enthroned in the hearts of the peoples of the world, both individually and as nations, we must remain strong if we are to endure. Are

the peoples of the world ready to embrace these principles? You must answer that question; and may God give you wisdom to answer it correctly. During this war we have been truly the arsenal of democracy. Let us be and remain in peace the true *arsenal of liberty.*

Let us, therefore, see that every department of the Government functions fairly and efficiently within the framework of the Constitution, to the end that justice and fairness shall prevail for the common good and that our flag may be honored and respected both at home and abroad. If we do that, then we will have reharnessed for the era before us, successfully to meet the challenging problems, opportunities and responsibilities that lie ahead, and bring into being a true era of peace, happiness and prosperity for all our people, and the people of the world.

President Adam introduced the next speaker of the morning, Mr. Morgan G. Davis, Chief Geologist of the Humble Oil Company of Houston, Texas. Mr. Davis' address follows:

TYPICAL OIL FIELDS OF SOUTH MISSISSIPPI

Morgan G. Davis

We in the exploration end of the oil industry have more and more come to realize that we cannot operate without legal counsel. In fact, in many of the problems of exploration, very close cooperation between lawyers, engineers, and geologists has been necessary in order to solve them. In this way, we geologists feel that we absorb a certain amount of legal knowledge and some of our lawyers become reasonably good practical geologists. As a matter of fact, I have noticed that lawyers in the oil country seem to accumulate a good deal of geological knowledge.

I am reminded of a rural lawyer who is our lessor in an important producing field in the East Texas area, who complained bitterly when a location for a test was staked on his land. He said the well was on a fault and knew in advance that it would be a dry hole, and so it turned out to be! After the hole had been plugged and abandoned, he came to our office and registered his complaint again. He stated that if the company had listened to his advice as to a location, instead of to a bunch of theoretical fellows called geologists, they would have saved much time and money, and, also, would have provided him with the royalty he sought. He thought it a strange thing that a large company like Humble would depend on geologists who knew nothing except textbooks and who did not know enough to recognize a fault when they saw one.

At this point in the conversation, the curiosity of the listener was

aroused to the point where he asked our lessor, "Judge Smith, just what is your conception of a fault?"

He replied, "Any fool knows that a fault is that area between two pools which is *always* dry!"

Just another example of a lawyer who had turned practical geologist! But he was not a Mississippi lawyer!

When it was first suggested to me that I might be privileged to appear before this meeting of the Mississippi State Bar Association, one of the topics which was suggested by one of my friends was that I should talk to you about the oil and gas *prospects* for Mississippi. I do not believe that such a topic is timely. Mississippi is no longer only a prospective area—it is already an important producing state. Any state which has 20 oil and gas fields; 700 producing wells with a daily average production of more than 50,000 barrels; has produced over 100 million barrels of oil; is finding new fields at the rate of about one every 60 days; and in 1944 furnished the most important single oil discovery in the United States (which means the world), the Heidelberg field—Mississippi is no longer an oil prospect; it is a producing reality.

Before entering a discussion of South Mississippi fields, I shall take the liberty of giving you a brief refresher on some of the basic geologic principles which may assist us in interpreting the significance of Mississippi geology as applied both to the area in general and to these fields. I wish to apologize for the elemental nature of some parts of this discussion and some of the diagrams I shall present; and my excuse for this presumption is that I am gauging the knowledge of geology which members of the legal profession may have by my own ignorance of the intricacies of the law.

During our discussion of geology which has a bearing on Mississippi, I should like to show you the relationship which Mississippi bears to the rest of the great oil province known as the Gulf Coast and, also, to point out the position of the producing areas of the Gulf Coast with reference to the major geologic features and producing areas in adjacent territory.

The Gulf Coast of the United States, eliminating minor indentations, is more than 1500 miles long from the Rio Grande River and Mexico on the southwest to the southern tip of the Florida peninsula. The rocks which outcrop at the surface throughout the coastal area are, geologically speaking, young rocks, and so are many of the producing sands found in the subsurface, even in wells which are thousands of feet in depth. This belt of younger rocks which forms a band around the semi-circular Gulf Coast is bordered on all sides by outcrops of old rocks, such as the southern extension of the Rocky Mountains in far West Texas, the Ar-

buckle and Ouachita mountains of Oklahoma and Arkansas, and the Appalachian chain which approaches the eastern boundary of your fair state.

In those areas of Paleozoic rocks, there is also oil and gas production; but, generally speaking, fields there are not as prolific as the fields which produce from middle-aged and younger rocks in areas bordering the Gulf of Mexico. It is these younger and middle-aged strata which furnish the prolific production of the East Texas field, Conroe, Eola, Golden Meadows, Lafitte, and Heidelberg.

Before we go too far afield, however, it is probably well to discuss those phenomena which are responsible for the localization of oil and gas in commercial quantities. The crust of the earth, as everyone knows, is stratified and the outer layers of this crust are made up of shales, sandstones, limestones, clays and conglomerates. These strata, made up of such materials, are commonly referred to as sedimentary rocks and contain in them a large amount of organic debris which was buried with them at the time they were deposited; debris which, after burial, is transformed by heat and pressure in Nature's laboratory into those hydrocarbons we know as oil and gas.

The occurrence of hydrocarbons in sedimentary rocks is widespread, but there must need be folding, faulting, or interruptions of porosity in those beds before oil and gas will accumulate in sufficient quantities to justify our drilling wells and producing these hydrocarbon fluids from the sands and other porous reservoir rocks which contain them.

In going about our business of exploration, we must have ways of identification of the various beds which make up what we call the sedimentary section. The small shells and other residue of animal and plant life assist us in making such interpretations.

Since this large Gulf Coast area we are investigating is far removed from much of the mountain building which has gone on in North America, it so happens that but for a fortuitous circumstance, much of our coastal plains would have also been geologic plains, that is, beds lying flat with no significant folds or structures in them which would have served to trap the oil and gas accumulations for which we seek. Fortunately, however, at great depths beneath almost all of the vast coastal area lying west of Tombigbee River, ancient seas which dried up had left thick beds of rock salt which, under the pressure and heat of the overburden of thousands of feet of sediments, acts exactly in the same manner as a plastic.

During the small adjustments which always take place along a coastline which is constantly being burdened with the silts and sands brought down by numerous large rivers, these beds of plastic salt, lying far beneath the surface, began to flow and at points of weakness to intrude long

spires upward into the sands, shales, and limestone which lie above them. As these plugs of salt ascend through the sediments, as one would push his finger up through the bottom of a layer cake, the edges of the formations through which they pass are dragged up and, in places where these salt masses do not reach the surface, the beds above are arched into a domelike form. Those domes where salt is found at shallow depths are known as "piercement" domes; the others, "deep-seated" domes. It is to this salt, then, that we are indebted for a necessary link in the mechanism which has created oil fields over a large part of the Gulf Coast area.

Southern Mississippi, in which you are now finding oil and gas fields at an almost unprecedented rate, is a part of that vast portion of the Gulf Coast area which is underlain by salt. Here, also, the salt plugs have grown in abundance, fed from thick beds of rock salt which lie at unknown depths. These salt plugs or domes are found in Mississippi in all stages of growth. Some of them have almost reached the surface; in others, the salt mass lies at depths of 2000 feet, 3000 feet, and at much greater depths.

In some places, such as the Cranfield field, the salt may lie beyond the reach of modern drilling equipment but is nevertheless present and responsible for the uplift which overlies it.

There are, at the present time, 18 piercement domes in the south half of Mississippi. To date, none of these structures have proved to be productive. There are a number of this same type of domes in North Louisiana, where they have also proved to be non-productive until now. This may be their history until the end; but since there are large numbers of similar structures which produce in the Gulf Coast of Texas and Louisiana, we geologists continue to be intrigued by them. Even at this time, yielding to the curiosity of its exploration people, my company is engaged in prospecting the flanks of three of these Mississippi piercement domes which are well known to many of you.

As the salt masses have moved through the overlying sediments and pierced them, there has been, as you would expect, a very considerable amount of uneven distribution of stresses, settling, and so on, which has resulted in the geologic phenomenon known as faulting. These breaks or faults are both local ones near the flanks of individual domes, and regional ones, i.e., traversing long distances and representing general adjustments following the displacement of salt at depth and, also, undoubtedly connected with the slow depression of the coastline as a whole, which has been a geologically negative area for long periods of geologic time.

These faults in themselves have been found in many places to furnish satisfactory traps for oil and gas. Your Pickens field north of Jackson represents an accumulation of this type, as does the Langsdale field in ex-

treme southeastern Clarke County. In fact, all of the common type of oil-producing structures or traps have been found to be effective in Southern Mississippi, except the stratigraphic type of trap. The East Texas field, by far the largest in North America, is the most outstanding example of this type of accumulation. I am glad to tell you that, in my opinion, there are several areas in South Mississippi where sedimentary conditions are such as to encourage the hope that stratigraphic traps will also be found here.

In describing to you the typical oil or gas field of South Mississippi, I would say that such a field is a large uplift where the sedimentary strata are arched above a salt mass at great depth below. For some unknown reason, our present evidence indicates that the domes of this type in Mississippi are larger than related structures in Louisiana. Perhaps it is the natural influence of the Mississippi climate and people. You do things in a big way! Seriously, however, statistics would indicate that your producing domes may average twice the size of those in the Louisiana Gulf Coast. As an example of the magnitude of these uplifts, I would mention the Gwinville field in Jefferson Davis County, where certainly you have already proved 10,000 acres to be productive of oil or gas with the possibility that additional drilling will show it to be twice as large. I know of no salt dome of such size in Louisiana.

It would be obviously impossible for me to attempt to describe to you, even hurriedly, all of the 20 oil and gas fields which you now have. In order to give you some idea as to the nature of typical South Mississippi fields, however, I have chosen to show you a structural map and cross section of Eucutta in Wayne County of southeastern Mississippi and a cross section of Cranfield in Adams County of southwestern Mississippi. While differing greatly in detail, these two fields have much in common in their basic aspects. From our gravimetric investigations, we know that both are underlain by salt; and from our seismic and subsurface studies, we know that each is uplifted several hundred feet above the level of surrounding beds. In both, sands of Cretaceous age form the reservoirs, although the producing horizon in Cranfield, the massive Tuscaloosa sand, is older and lower in the geologic section than the Eutaw sand at Eucutta in which the oil occurs. Eucutta is severly faulted—Cranfield is not.

It is far too early, in my opinion, for anyone to attempt to compare the ultimate reserves which have been found and will be found in Mississippi with those proved in older oil- and gas-producing states. Although the first well in Mississippi was drilled only two years after the discovery well was drilled at Spindletop in 1901, it was not until 1926 that the first small gas field was found at Amory in Monroe County in the northeastern part of the State. Mississippi's first commercially important gas production near the State Capitol at Jackson was delayed until 1930. This

discovery started a flurry of wildcatting, during which a score or more of tests were drilled without success. It was not until 1936 that the Sun Oil Company confirmed the existence of a piercement salt dome at Midway in Lamar County in the southern half of Mississippi. This was the first concrete evidence that a salt dome province similar to those in East Texas and central Louisiana was present in the southern part of the state and served notice to the oil world that another important oil-producing area might be in the offing. The opening of the Tinsley field by the Union Production Company in Yazoo County in 1939, 36 years after the first wildcat test was drilled in your state, confirmed this and started Mississippi on its way toward taking its rightful place among the oil-producing states of the nation. Even in the short period which has elapsed since then, Mississippi has attained eleventh place in the list of 21 producing states. So far in 1945 alone, six new oil and gas fields have been discovered. Several of these give promise of being major oil fields. The activities and successes of this area have turned toward Mississippi the eyes of the entire oil world during a period when many pessimistic prophets have warned us of dwindling oil and gas reserves.

Owners of royalty under producing property have benefited from the oil and gas production, but the greatest money crop to your land and royalty owners has been realized from the leasing of 11 million acres of land and the annual rentals which are currently paid on these leases. Development of the oil and gas fields of Mississippi is causing many millions of dollars to be brought into your state and spent here.

Lest I presume too far upon your time, I must draw my discussion to a close, but before doing so I should like to leave with you two more thoughts. The first is regarding the pessimism I mentioned a moment ago. I know that you have been advised in the press and on the radio and by numerous speakers here and there that the United States is facing an oil famine. Authentic statistics do not bear this out.

On January 1, 1941, the American Petroleum Institute, recognized in the industry as its official fact-finding body, estimated that there were remaining proved reserves of oil in the United States in the amount of 19 billion barrels. On January 1, 1945, this same body estimated the proved remaining reserves of the United States to be 20½ billion barrels. The records kept by my company have followed closely the estimates made by the A.P.I. While A.P.I. figures are naturally not yet available for the year 1945, our own company estimates would indicate that as of January 1, 1946, A.P.I. estimates will not fall short of 21 billion barrels of remaining reserves as of that date.

While figures are always dull, I have one here that I believe will interest you: Since the beginning of oil production in the United States, this nation has produced a total of nearly 30 billion barrels of oil, and in

the five-year period ending January 1, 1945, it produced 7¼ billion barrels of oil. In other words, during the five-year period cited, using round numbers, one-fourth of all the oil the United States has *ever* produced has flowed or been pumped from its wells and yet, during this same period of unprecedented wartime demand and withdrawal, our net reserves have increased more than a billion barrels and are still increasing. I cannot do other than pay tribute to the oil industry in the light of this achievement which was accomplished in spite of finding and development costs far above those of the pre-war era. The nation's reserves, therefore, have *not* decreased as a result of the drain of wartime consumption but, on the other hand, are larger now than they were at the beginning of the great conflict.

Contrary also to the view of pessimists, there still remain oil frontiers, both horizontal and vertical, where large new reserves will continue to be discovered. I count the State of Mississippi among those oil frontiers.

The other thought I wish to mention is with reference to the husbandry or conservation of oil and gas resources with which your state has been endowed. Before the oil industry directed its engineers and scientists to the study of oil and gas reservoirs, enormous flush production in new fields, great wastage of gas followed by sudden pressure drops, production of water which bypassed oil, and the placing of wells on the pump were all regarded as inevitable events in the life of a producing field. No thought was given to the question of whether or not these practices affected the ultimate amount of petroleum which could have been brought to the surface in any given field.

As studies of oil and gas reservoirs progressed, however, supplemented by laboratory data and contributed to by controlled experiments under actual producing conditions, it became apparent to all petroleum engineers and geologists that the scientific exploitation of oil fields is only slightly less important than the discovery of the fields in the first place. They were forced to these conclusions because, as a result of their studies, it was found that many fields had been produced at rates so excessive that reservoir pressures had been dissipated, water had been drawn in prematurely, and through the lowering of the pressure, the viscosity of the oil had been increased causing a larger amount of it to remain in the sands after the untimely death of the field. They also found that in many of the older fields a much smaller number of wells would have served to produce the same amount of oil and gas and that great numbers of unnecessary wells had caused economic waste. They found that all fields were not alike, that the mechanism of the reservoirs differed greatly, but that with all *types of fields*—those in which the greatest energy is furnished by a water drive, those in which the most important force is a gas cap, and those in which the production rises in the well through the

energy of gas dissolved in the oil—in all of these types of reservoirs, they found that production beyond the maximum efficient rate for each type of reservoir would result in underground waste of oil which can never be re-recovered by ordinary methods of production. In a day of rising costs, narrowed margins of profit, and increasing competition with other forms of fuel and sources of energy, it behooves the oil and gas industry to produce its hydrocarbon reserves as efficiently as possible and with the least amount of surface or subsurface waste and economic loss.

From the purely practical viewpoint, it is now apparent that the greatest financial return to the state, operators, land-owners, and business men alike results from the orderly development and production of oil and gas fields. Illinois furnishes a sad warning to other states. Without adequate conservation and proration laws, with close well spacing and uncontrolled production, it has dissipated a large part of its oil and gas reserves within a short time. During a period of low crude prices, high development costs brought on by unnecessary drilling, it has followed practices which will cause a substantial portion of its oil reserves to be lost forever.

To safeguard our oil and gas reserves, it is not enough that the forward-looking leaders in the oil industry recognize the sound principles of oil and gas production and do their utmost to put them into practice. There must also be a real consciousness of these principles on the part of those who make, interpret and administer our laws. These, too, must make it their responsibility to give all possible assistance and support to the cause of conservation of one of the most important resources possessed by our nation.

President Adam stated that the next item in the order of business was the election of officers. He opened the floor for nominations for president of the Bar Association. Col. Fred Bradshaw of Jackson nominated Judge Herbert Holmes of Senatobia. Mr. Alexander Currie of Hattiesburg nominated Mr. Earle L. Wingo of Hattiesburg.

Speeches seconding the nomination of Judge Holmes were made by Mr. Dugas Shands and by Mr. W. S. Welch. Judge Arthur Busby seconded the nomination of Mr. Wingo.

The ballots were cast and the results were announced:

Mr. Earle Wingo.....81 votes
Judge Herbert Holmes.....51 votes

Col. Bradshaw moved that Mr. Wingo be unanimously elected president of the Association. The motion was seconded and unanimously passed.

President Adam asked for nominations for first vice-president. Mr. Dees Stribling nominated Col. Frederick W. Bradshaw of Jackson. Mr.

Welch seconded the nomination. Motion was made and seconded that the nominations be closed, and Col. Bradshaw was unanimously elected first vice-president.

President Adam asked for nominations for second vice-president. Mr. W. N. Ethridge, Jr., stated that the Junior Bar Section had voted unanimously to recommend to the Association Mr. Stokes V. Robertson of Jackson, for second vice-president. Motion was made and seconded that the nominations be closed and Mr. Robertson was unanimously elected second vice-president.

President Adam then requested the Bar members to separate into various districts for the elections of commissioners of the State Bar, and the following results were announced:

First District—T. A. Clark, Iuka
Second District—R. W. Thompson, Jr., Gulfport
Third District—Phil Stone, Oxford
Fourth District—R. D. Everitt, Ruleville
Fifth District—John Clark Love, Kosciusko
Sixth District—S. B. Laub, Natchez
Seventh District—Fulton Thompson, Jackson
Eighth District—Dees Stribling, Philadelphia
Ninth District—J. D. Thames, Vicksburg
Tenth District—C. D. Shields, Meridian
Eleventh District—W. W. Venable, Clarksdale
Twelfth District—J. Kearney Travis, Hattiesburg
Thirteenth District—R. C. Russell, Magee
Fourteenth District—John T. Armstrong, Hazelhurst
Fifteenth District—G. B. Keaton, Picayune
Sixteenth District—J. A. Caradine, West Point
Seventeenth District—J. H. Caldwell, Charleston

Mr. Reece Bickerstaff of Gulfport presented the following resolution:

RESOLUTION COMMENDING BIDWELL ADAM, RETIRING PRESIDENT

WHEREAS, during the administration of Bidwell Adam as President of the Mississippi State Bar Association, now drawing to a close, many apparently insurmountable difficulties and obstructions to the normal functioning of the Association arose from the war conditions then transpiring and from the handicaps incident to the period of transition and reconversion from war to peace; and

WHEREAS, the said difficulties and obstructions gravely threatened the continued efficiency and prestige of the Association; and

WHEREAS, Bidwell Adam, undaunted by the said situation thus confronting his administration, with wisdom, zeal, patriotism and high sense of duty, at tremendous sacrifice to himself in time, effort, and personal funds, conquered all difficulties and overcame all obstacles, causing the period of his administration to be one of conspicuous credit and advantage to the Association, and benefit to all the people of Mississippi;

THEREFORE, BE IT RESOLVED that we, the members of the State Bar Association of Mississippi, hereby express that sincere and profound appreciation and gratitude of our Association to Bidwell Adam for his wise, zealous, unselfish and patriotic performance of the functions of his office of President, the glorious and beneficent effects of which will endure ever in the history of our state, and the affectionate and grateful memory of the entire bar of Mississippi.

BE IT FURTHER RESOLVED that a copy of this resolution, certified by the Secretary, under the corporate seal of the Association, be made and delivered to Bidwell Adam, as an official expression of the Association's sentiments.

The resolution was adopted unanimously.

Mr. Shands presented the following resolution:

RESOLUTION REQUESTING CONGRESS TO EXTEND BENEFITS OF SERVICE ACT OF 1941

"WHEREAS, under the provisions of Section Eight of the Selective Service and Training Act of 1940 and the Service and Extension Act of 1941, any person who entered the armed forces subsequently to May 1, 1940, and who has been honorably discharged is entitled to reinstatement to the position or employment other than temporary employment, which he held at the time he entered the armed forces if application therefor is made within ninety days after said discharge as provided in said Act, and

WHEREAS, unless said Act is extended by Congress the benefits thereof will expire May 16, 1946;

NOW, THEREFORE, BE IT RESOLVED that Congress is hereby memorialized to extend the provisions of said Act and be it further resolved that the members of the Mississippi State Bar Association lend reasonable assistance in carrying out the provisions and intent of the above-mentioned statutes for the benefit of such veterans."

The resolution was adopted unanimously.

Mr. Dugas Shands moved (1) that the Association express its appreciation to Dean T. C. Kimbrough for his splendid and outstanding work in keeping the Law School operating during the war years; (2) that the Association approve and support the request of the Law School from the Legislature for funds to construct an annex to the Law Building, and (3) that the incoming President of the Association be requested to appoint a committee to work for the passage of legislation for this appropriation.

The motion was seconded and passed unanimously.

Judge Arthur Busby made a motion that the President and the Secretary of the Association be instructed to wire Mississippi's Senators and Congressmen asking for their assistance to make it possible for veterans of the state to have priority in purchasing surplus war materials located in the state, before they are disposed of elsewhere. The motion was seconded and passed.

Judge Percy M. Lee of Forest was unanimously chosen as a delegate to the meeting of the American Bar Association.

President Adam then called on the president-elect, Mr. Wingo, who expressed appreciation for his being elected. Judge Lester Clark suggested that an alternate delegate to the meeting of the American Bar Association should be chosen and nominated Mr. Bidwell Adam as alternate delegate. Mr. Adam was elected unanimously.

Mr. Bob Kelly of Vicksburg moved that the next meeting of the Association be held in Jackson. Mr. Ross Barnett seconded the motion, and Jackson was chosen as the meeting place of the State Bar in June, 1946.

Col. Bradshaw and Mr. Robertson were called on, and each expressed appreciation for the honor of being elected.

The fortieth annual meeting of the State Bar Association was then adjourned.

PROCEEDINGS OF THE NINTH ANNUAL MEETING OF THE

Junior Bar Section

Held at Biloxi, Mississippi, on the evening of October 22, 1945

The meeting was called to order by Mr. James T. Kendall, of Jackson, Chairman. Mr. Kendall explained that he had been elected Vice-Chairman of the organization and had assumed the chairmanship when Mr. Paul Farr, of Prentiss, the Chairman-elect, was called to active duty with the United States Navy.

The Chairman introduced Archie L. Dickson, Jr., of Jackson, who served as secretary of the meeting, in the absence of the secretary.

The Chairman then called on Mr. Arlington Jones, of Hattiesburg, Chairman of the Committee on Unauthorized Practice of Law, for the report of that committee. Mr. Jones reported orally, discussing the activities of certain classes of persons in preparing many types of legal documents which should be prepared by a practicing attorney. Specifically mentioned were persons now busy in the state preparing abstracts and performing services in connection with that work which amount to the actual practice of law. Mr. Jones concluded his remarks with a suggestion that a resolution be submitted to the Senior Bar dealing with such unauthorized practice of law.

The Chair called for old and new business, and none was presented.

The Chair then announced that the next order of business was the election of officers for the ensuing year. A motion that the election be by secret ballot was passed.

The floor was declared open for nominations for Chairman. Mr. Ray M. Stewart, of Picayune, nominated Mr. John W. Wade, of Oxford. The nomination was seconded by Mr. Dick Thomas, of Senatobia. Mr. L. B. Porter, of Union, nominated Mr. Arlington Jones, of Hattiesburg. The nomination was seconded by Mr. Phillip G. Swartzfager, of Laurel. The nominations were closed on motion and the ballots cast. Mr. Wade was declared elected, and presented to the meeting by Chairman Kendall. He made a few brief remarks of acceptance.

Nominations for Vice-Chairman were called for. Mr. Richard E. Stratton, of Brookhaven, nominated Mr. W. N. Ethridge, Jr., of Jackson, seconded by Mr. J. Louis Alford, of McComb. On motion, the nominations were closed and Mr. Ethridge declared elected by acclamation.

Nominations for Secretary were called for. Mr. J. Louis Alford nominated Mr. Archie Dickson, of Jackson. Mr. W. N. Ethridge, Jr., seconded the nomination; and, on motion, the nominations were closed and Mr. Dickson declared elected by acclamation.

The Chair announced that the next item of business was the election of members of the Executive Committee. The members present divided into groups according to the Supreme Court districts and subsequently announced the following as the elected members of the Committee:

Northern District: Charles S. Tindall, of Greenville; Dick Thomas, of Senatobia; Paul R. Moore, of Calhoun City.

Middle District: Stokes V. Robertson, Jr., of Jackson; T. Y. Minniece, of Meridian; Miss Martha Gerald, of Jackson.

Southern District: L. B. Porter, of Union; Dan Russell, Jr., of Bay St. Louis; Ray Stewart, of Picayune.

The Chair then announced that it was customary for the Second Vice-President of the State Bar to be a member of the Junior Bar Section, and that the Junior Bar Section usually endorsed one of its members to be placed in nomination. On motion of Mr. Richard E. Stratton, seconded by Mr. James S. Eaton, of Gulfport, Mr. Stokes V. Robertson, of Jackson was endorsed by the unanimous vote of the members present.

The Chair then called on Judge J. Morgan Stevens, Jr., of Jackson and Mr. Richard E. Stratton, of Brookhaven, as former chairmen of the Junior Bar Section for remarks. Each gentleman spoke briefly.

The meeting adjourned.

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Elmer, F. W., Jr., Biloxi
Elliott, Benton W., Ripley
Engle, C. F., Natchez
Enochs, Dewitt C., Jackson
(Lamar Life Building)
Estes, Wm. M., Enterprise
Estopinal, Wm., Gulfport
Ethridge, F. K., Jr., Meridian
Ethridge, Geo. H., Jackson
(Atty. General's Office)
Ethridge, Geo. M., Jr., Meridian
Ethridge, W. N., Oxford
Ethridge, W. N., Jr., Jackson
(Lamar Life Bldg.)
Eudy, J. E., Europa
Evans, H. H., Gulfport
Evans, W. J., Calhoun City
Everett, Frank E., Indianola
Everett, Frank E., Jr., Vicksburg
(Brunini and Brunini)
Everett, W. M., Jackson
(782 North West)
Everitt, Robert D., Ruleville
Ewing, Jack, Jackson
(Lamar Life Bldg.)
Fair, Charles D., Louisville
Falkner, J. W. T., Oxford
Fankhauser, Carl E., New Orleans
(1508 St. Charles)
Fant, Herbert M., Sardis
Fant, Lester G., Holly Springs
Fant, Lester G., Jr., Holly Springs
(University)
Farese, John A., Ashland
Farish, H. P., Greenville
Farr, Paul H., Prentiss
Farrell, Herbert D., Taylorsville
Featherstone, F. M., Indianola
Fedric, Wm. Henry, Grenada
Feduccia, Joseph C., Cleveland
Feibleman, Cedric L., Jr., Vicksburg
Felts, Holland O., Greenville
Finch, Henry L., Laurel
Finch, J. D., Iuka
Finch, J. S., Booneville
Finley, J. A., Tupelo
Fishel, E. C., Hattiesburg
Flowers, J. N., Jackson
(Capital Nat. Bank Bldg.)
Floyd, Earle N., Jackson
(Lamar Life Bldg.)
Floyd, Jason H., Senatobia
Floyd, J. C., Meridian
Floyd, L. R., Magee
Fly, Henry A., Yazoo City
Fontaine, J. B., Pontotoc
Fontaine, W. B., Jackson
(Attorney General's Office)
Foote, Lawrence Y., Hattiesburg
Ford, Evon A., Taylorsville
Ford, E. J., Pascagoula
Ford, E. J., Jr., Gulfport
Ford, J. I., Pascagoula
Ford, Wm. Reynolds, Taylorsville
Forman, J. M., Indianola
Forman, Richard Brent, Jr., Natchez
Fountain, D. G., Jackson
(U. S. Vets. Adm.)
Fox, John H., University
Franklin, J. B., Jackson
(Medical Bldg.)
Franklin, J. E., Jackson
(Dep. Guaranty Bank Bldg.)
Franklin, Lester C., Jackson
(Dep. Guaranty Bank Bldg.)
Franklin, L. C., Jr., Jackson
(Dep. Guaranty Bank Bldg.)
Franks, Donald, Booneville

Friend, Joe N., Jackson (O.P.A.)
Frierson, John F., Columbus
Fulton, Aubrey D., Jackson
Gailard, G. Rayner, Washington (3768 "W" St., N.W.)
Galloway, Chas. R., Gulfport
Galloway, J. F., Gulfport
Gandy, Edythe Evelyn, Washington (c/o Senator T. G. Bilbo)
Gandy, George, Collins
Gardner, A. F., Honolulu, T. H. (Box 3228)
Gardner, Albert S., Jr., Yazoo City
Gardner, Hanun, Gulfport
Gardner, Hanun B., Jr., Gulfport
Gardner, Tom M., Gulfport
Garner, A. H., Joplin, Mo. (716 Frisco Bldg.)
Garner, Boyce Lee., Hernando
Garner, Martin, Tunica
Garraway, J. T., Purvis
Garth, J. Hunter, Hazlehurst
Gartin, Carroll, Laurel
Gary, W. D., Eupora
Gaston, Chester Davis, Columbus
Gautier, H. W., Pascagoula
Gee, John B., Rolling Fork
Gee, Wm. C., Lambert
Gee, W. F., Marks
Geisenberger, W. A., Natchez
Genin, R. L., Bay St. Louis
Gerald, Eugene, Leland
Gerald, Martha W., Jackson (Wells, Wells, Newman and Thomas)
Gex, Emile, Jr., Bay St. Louis
Gex, Lucien M., Bay St. Louis
Gex, W. J., Bay St. Louis
Gholson, Daniel P., Holly Springs
Gholson, Mary Caruthers, Port Gibson
Gibson, C. E., Monticello
Gilbert, V. W., Meridian
Gillespie, H. B., Raymond
Gillespie, Hugh B., Jr., Jackson (Bridges Bldg.)
Gillespie, R. G., Meridian
Gilliam, L. Alex, Jr., Memphis, Tenn. (3525 Oakley St.)
Gipson, Champ, Meridian
Gipson, J. R., Meridian
Gipson, J. V., Meridian
Glass, D. H., Kosciusko
Glazier, Herman Cowan, Jr., Clarksdale
Gober, Curtis A., Jackson (Public Service Commission)
Good, V. W., Vicksburg
Goodman, F. C., Biloxi
Gordon, Chas. M., Jackson (Medical Bldg.)
Gordon, C. T., Liberty
Gordon, Joe D., Liberty
Gordon, L. E., Meridian
Gordon, Wm. H., Cleveland, Ohio (2060 E. 83rd St.)
Gore, Ney M., Jr., Marks
Gore, T. N., Marks
Gore, W. E., Jackson (Henry Bldg.)
Goss, B. J., Columbia
Goss, Roy J., Columbia
Graham, D. M., Gulfport
Graham, D. M., Jr., Gulfport
Graham, Hardy M., Meridian
Graham, J. H., Meridian
Graham, S. M., Meridian
Grant, Leslie B., Biloxi
Grantham, Gordon, Jackson (602 S. Gallatin)
Graves, Charles L., Jackson (210½ West Capital)
Greaves, J. M., Canton
Greaves, P. D., Gulfport
Green, A. Wigfall, University
Green, B. A. (Col.), Mound Bayou
Green, E. H., Cleveland
Green, Garner W., Jr., Jackson (Standard Life Bldg.)
Green, Garner W., Jackson (Standard Life Bldg.)
Green, Marcellus Calhoun, Jackson (Standard Life Bldg.)
Green, Marcellus, Jackson (Standard Life Bldg.)
Greene, John D., Jr., Starkville
Gregory, James T., Forest
Grice, L. E., Crystal Springs
Griffing, Homer B., Meadville
Griffing, R. E., Brookhaven
Griffith, Paul S., Waynesboro
Griffith, V. A., Jackson (Supreme Court)
Guice, Claude W., Fayette
Guice, Jacob D., Biloxi
Guice, W. L., Biloxi
Guider, Ben., Vicksburg
Gully, J. B., Jackson (301 First Fed. Savings Bldg.)
Guy, T. A., Greenwood
Guynes, J. F., Hazlehurst
Guyton, J. D., Kosciusko
Guyton, T. P., Kosciusko
Gwin, Lucien C., Natchez
Gwinnup, Harry G., Jackson (529 North State)
Hafter, Jerome S., Greenville
Hagee, Talmadge M., McComb
Hairston, Charles C., Jr., New Augusta
Hakes, Doric D., Rolling Fork
Hall, Edward C., Jackson (Route 5, Meadowbrook Road)
Hall, Francis L., Washington (1752 N. Rhodes St., Arlington, Va.)
Hall, Lee D., Columbia

Hall, Stanton A., Hattiesburg
Hall, Toxey, Columbia
Hamilton, George S., Jackson
(Century Bldg.)
Hamlin, James E., West Point
Hamlin, Wilber G., West Point
Hammond, Kelly J., Columbia
Hamner, W. M., Greenwood
Handy, Geo. Stuart, Natchez
Hannah, T. C., Hattiesburg
Hannon, John, Raymond
Haralson, William, Hattiesburg
Hardy, W. F., Jackson
(243 Lexington Street)
Harmon, F. S., New York
(1501 Broadway)
Harmon, John M., Union (Box 264)
Harmon, Hunter, Meridian
Harper, A. Y., Jackson
(Standard Life Bldg.)
Harper, Charles Edward, McComb
Harper, Jack Evans, Jr., Indianola
Harper, Matthew, Jr., Laurel
Harris, W. R., Laurel (Box 45)
Harryman, Clifford J., Tupelo
Hartford, Robert W., Jackson
(Lampton Bldg.)
Hartley, T. A., Jackson
(213 Lamar Life Bldg.)
Harty, Emmet, Greenville
Harwell, J. Emerson, Meridian
Hathorn, C. V., Columbia
Hathorn, F. C., Hattiesburg
Hathorn, F. C., Jr., Hattiesburg
Hathorn, Herbert C., Hattiesburg
Hathorn, Hoy, Louisville
Hatten, W. J., Sumrall
Hauberg, Robert, Jackson
(Federal Bldg.)
Hawkins, George Ben, Flora
Haydon, Chas. R., Gulfport
Haynes, M. Paul, Baldwyn
Heckler, Willie J., Indianola
Hedgepeth, T. H., Jackson
(Lamar Life Bldg.)
Heidelberg, Cecil F., Jr., Jackson
(529 North State)
Heidelberg, H. P., Pascagoula
Heidelberg, M. L., Waynesboro
Heidelberg, R. W., Hattiesburg
Heiss, J. L., Gulfport
Heiss, J. L., Jr., Gulfport
Hendrick, Leon F., Jackson
(Standard Life Bldg.)
Hendrix, Thomas D., Jackson
(414½ E. Capital)
Hengen, Louis, Biloxi
Hennington, Lamar, Hattiesburg
Henley, W. S., Hazlehurst
Henry, W. A., Yazoo City
Herring, Geo. B., Canton
Herring, H. Lee, Ruleville
Hewes, Gaston, Gulfport
Hewes, Wm. G., Gulfport
Hewitt, F. D., McComb
Hewitt, Wm. H., Jackson
(Veterans Administration)
Hewitt, W. Wilson, Summit
Hezel, Henry M., Cleveland
Hill, C. E., Hattiesburg
Hill, John Robert, Washington (40 Independence Ave., S.W., Apt. 203)
Hill, Robert E., Tupelo
Hill, John T., Pascagoula
Hillman, J. B., Philadelphia
Himelstein, Ben, Moorhead
Hinerman, Chauncey D., Jackson
(Edwards Hotel)
Hines, Mrs. Matelyn Floyd, Jackson
(921 Bellevue)
Hitch, Louis, Jackson
(Edwards Hotel)
Hobbs, H. W., Jackson
Hoffman, C. L., Gulfport
Holcomb, Pascal D., Clarksdale
Hollis, J. O., Carthage
Holloman, John D., Columbus
Holloman, Frank C., Columbus
Holloway, Mrs. Mary Frances, Takoma Park, Md. (902 Glaizewood Ave.)
Holloway, O. Williard, Takoma Park, Md. (902 Glaizewood Ave.)
Holmes, D. B., Jr., Meridian
Holmes, E. R., Jr., Jackson
(Standard Life Bldg.)
Holmes, F. C., Jr., Hernando
Holmes, F. C., Hernando
Holmes, G. M., Aberdeen
Holmes, Herbert, Senatobia
Holmes, H. T., Winona
Holmes, J. G., Yazoo City
Holmes, John S., Yazoo City
Hood, Josephine, Canton
Hopkins, Hugh Sam, Lula
Hopkins, Jos. W., Clarksdale
Hopper, H. A., Corinth
Horan, John, Water Valley
Horan, Leo, Jackson (Box 173)
Hornsby, Oliver, Natchez
Horton, Cowles, Grenada
Horton, Frank Collins, Grenada
Horton, Wm. T., Jackson
(Medical Bldg.)
Hosey, G. W., Laurel
Houchens, John H., Minneapolis
(2906 Dorman Ave., So.)
Houston, D. W., Sr., Aberdeen
Houston, D. W., Jr., Aberdeen
Howard, Perry W. (Col.), Washington
(613 F St., N.W.)
Howie, J. H., Jackson
(Dep. Guaranty Bank Bldg.)

Howie, Joseph, Jackson
(Dep. Guaranty Bank Bldg.)
Huber, J. T., Canton
Huff, J. Knox, Forest
Huff, Thos. M., Forest
Huff, Wm. A., Forest
Hughes, Daniel Clyde, Corinth
Hughes, Phillip D., Meridian
Hulen, Mrs. Elizabeth W., Jackson
(Standard Life Bldg.)
Hunt, F. M., Hattiesburg
Hunt, Mrs. Nell W., McComb
Hunter, J. Q., Jr., Union
Hutchison, C. B., Tupelo
Hutchison, Edw. G., Summit
Hutchison, J. T., Summit
Hutton, J. B., Jr., Jackson
(Veterans Administration)
Hymers, George, Louisville, Ky.
(8412 Dixon St.)
Hytken, Robert Milton, Cleveland
Inman, C. E., Jackson
(Standard Life Bldg.)
Inzer, Wm. H., Pontotoc
Jackson, Forrest B., Jackson
(Century Bldg.)
Jackson, Robert E., Cleveland
Jackson, Robert Edgar, Jr., Cleveland
Jackson, Wm. F., McComb
Jaggers, Boudie A., Lumberton
James, Viola Lee, Atlanta, Ga.
(711 Glenn Bldg.)
Jarratt, Hill, Batesville
Jarvis, R. T., Booneville
Johnson, Alvis C., Union
Johnson, C. E., Union
Johnson, D. R., Batesville
Johnson, Elbert, Indianola
Johnson, Harper, Senatobia
Johnson, H. H., Lexington
Johnson, Joseph E., Batesville
Johnson, O. W. (Col.), Prentiss
Johnson, Paul B., Jr., Jackson
(1745 Devine St.)
Johnston, Albert Sidney, Jr., Biloxi
Johnston, H. Grady, Hernando
Johnston, Means, Greenwood
Johnston, Oscar, Scott
Johnston, Thos. H., Corinth
Jolly, W. H., Carthage
Jones, A. H., Woodville
Jones, Bernard M., Jackson
(Standard Life Bldg.)
Jones, Bert H., McComb
Jones, C. J., Waynesboro
Jones, Edward I., Bay St. Louis
Jones, H. F., Belzoni
Jones, James Edward, Jackson
(508 Lampton Bldg.)
Jones, L. Barrett, Jackson
(Lamar Life Bldg.)
Jones, Maurice M., Jackson
(Lampton Bldg.)
Jones, P. Z., Jackson
(414½ E. Capital)
Jones, R. L., Brookhaven
Jones, W. Arlington, Hattiesburg
Jones, W. D., Cleveland
Jones, W. Roger, Hazlehurst
Joor, J. S., Jr., Rolling Fork
Jordan, R. A., Greenwood
Jordan, Terral A., Hattiesburg
Joyner, Ernest Love, Jr., Tupelo
Katz, Andrew D., Hattiesburg
Katzenmeyer, C. Leonard, Vicksburg
Kaufman, M. L., Rosedale
Keady, William C., Greenville
Keaton, Grayson B., Picayune
Kellner, Ernest, Greenville
Kellum, Joseph W., Tutwiler
Kelly, A. F., Hattiesburg
Kelly, R. M., Vicksburg
Kemp, Carroll, Hazlehurst
Kendall, Henry M., Jackson
(Cap. Nat. Bank Bldg.)
Kendall, James T., Jackson
(Attorney General's Office)
Keyer, James H., Natchez
Keys, R. Taylor, Sardis
Killian, Joseph Howard, Jackson
(U. S. Vets. Administration)
Kimble, Raymond V., Jr., Greenville
Kimbrell, Frank C., Jackson
(242½ East Capital)
Kimbrough, O. L., Greenwood
Kimbrough, O. L., Jr., Greenwood
Kinabrew, Randolph G., Liberty
King, Bee, Mendenhall
King, Benjamin, Hazlehurst
King, S. R., Durant
Kirby, R. H., Clarksdale
Kirschten, Mrs. Elizabeth Gwin,
Evanston, Ill. (525 Kedzie St.)
Knox, Baxter N., Jr., New Albany
Knox, R. H., Jackson
(1st. Federal Savings Bldg.)
Kuykendall, John M., Charleston
Kyle, John W., Sardis
Lackey, Samuel Earl, Jr., Forest
Lake, J. A., Jr., Greenville
Lamar, E. L., Calhoun City
Lamb, Knox, Greenwood
Lamensdorf, Rolland G., Shaw
Land, John R., Jr., New Orleans
(516 American Bank Bldg.)
Landman, B. R., Jackson (Box 631)
Landrum, Ralph, Jackson
(Deposit Guaranty Bank Bldg.)
Latham, W. F., Quitman
Laub, S. B., Natchez
Laughlin, Wm. F., Vicksburg
Lawrence, T. J., Vicksburg

Lawrence, W. O., Bruce
Leak, H. C., Woodville
Lee, Gettys, Booneville
Lee, Percy M., Forest
Leftwich, Frank S., Aberdeen
Lenoir, James J., Arlington, Va.
(5217—25th Place, North)
Leonard, H. T., Kosciusko
Levine, Harold Lee, Clarksdale
Levingston, Alfred A., Cleveland
Lewis, Clayton, Philadelphia
Lewis, T. W., Jr., Columbus
Lindholm, P. P., Lexington
Lindsey, Edward, Biloxi
Lindsey, English, Gulfport
Lingle, H. B., Mobile, Ala.
(204-D 3rd St., Blakely I. B.)
Lipscomb, Hubert, Jackson
(Millsaps Bldg.)
Lipscomb, L. P. B., Cleveland
Livingston, Edward M., Louisville
Livingston, Robert, Prentiss
Livingston, W. H., Prentiss
Lobrano, J. R., Meridian
Loerke, Carl F., Jackson
(346 Sewanee Drive)
Lofton, W. Milford, Mendenhall
Logan, R. F. B., Hernando
Lomax, William A., Grenada
Long, L. H., Jackson
(c/o Veterans Bureau)
Long, S. H., Tupelo
Longino, C. S., Clarksdale
Lord, Richard Guy, Jr., Cleveland
Lott, W. H., Greenwood
Lott, Y. D., Jr., Mobile, Ala.
(P. O. Box 881)
Lotterhos, F. J., Jackson
(Standard Life Bldg.)
Love, John C., Kosciusko
Love, H. M., Jr., Yazoo City
Love, James S., Jr., Jackson
(Buena Vista Hotel, Biloxi)
Love, Robert T., Greenville
Loving, B. H., West Point
Loving, J. W., Columbus
Lowe, J. T., Tunica
Lowrey, Stovall, Clarksdale
Lowrey, J. T., Gloster
Lucas, W. B., Macon
Luckett, I. Semmes, Clarksdale
Ludlam, Warren V., Jr., Jackson
(Standard Life Bldg.)
Lumpkin, Sam E., Tupelo
Luper, O. C., Prentiss
Lyell, G. Garland, Jackson
(Standard Life Bldg.)
Lyell, G. Garland, Jr., Jackson
(Standard Life Bldg.)
Lyon, Gordon L., Indianola

Madole, B. F., Jackson
(408 Tower Bldg.)
Magee, M. Shirley, Monticello
Magruder, A. F., Starkville
Magruder, J. D., Tunica
Majure, R. S., Newton
Malone, N. H., West Point
Maloney, John P., Jackson
(620 College St.)
Manship, Luther, Jackson
Maples, Luther W., Gulfport
Mars, James M., Philadelphia
Marsalis, O. M., Drew
Marshall, Carl, Gulfport
Martin, G. L., Prentiss
Martin, L. L., Macon
Mashburn, Troy W., Brandon
Massey, Alton, Kosciusko
Mauldin, B. P., Pontotoc
May, Geo. W., Jackson
(Dep. Guaranty Bank Bldg.)
Mayfield, Barton, Mobile, Ala.
(804 First Nat. Bank Annex)
Mayfield, J. B., Columbia (Box 608)
Maynard, Fletcher Fitzgerald, Clarksdale
Maynard, G. F., Jr., Clarksdale
Maynard, Wm. H., Clarksdale
Maxted, D. J., Pascagoula
McBee, Richard C., Jr., Greenwood
McCants, Allan, Meridian
McClaren, L. S., McComb
McClellan, Thompson, West Point
McClendon, B. B., Jackson
(Dep. Guaranty Bank Bldg.)
McClintock, Geo. Thos., Jackson
(414½ E. Capital)
McClure, James, Sardis
McCool, D. C., Canton
McCraine, C. H., Houston
McCraw, A. B., Philadelphia
McCully, J. E., Louisville
McCully, J. T., DeKalb
McDill, Jack, Laurel
McDonald, Edward Leo, Meridian
McDonald, Ewell J., Jackson
McDonald, J. O., Dallas, Texas
(630 Brooklyn)
McDonald, J. T., Meridian
McDonnell, Howard A., Biloxi
McElroy, T. H., Oxford
McFarland, Ben H., Aberdeen
McFarland, J. A., Bay Springs
McFarland, Joe A., Jr., Bay Springs
McGee, Roy J., Biloxi
McGehee, Billy, Jackson
(c/o Lotterhos and Travis)
McGehee, S. E., Hickory
McGehee, Dan R., Meadville
McGehee, Harvey, Jackson
(Supreme Court)

McGowan, M. M., Jackson
(Dep. Guaranty Bank Bldg.)
McIlwain, W. L., Greenville
McIntosh, Hugh, Jr., Collins
McIntosh, L. K., Moss Point
McIntyre, W. E., Brandon
McKee, H. K., Picayune
McKeigney, A. F., Eupora
McKeigney, Alexander, Eupora
McLain, W. G., McComb
McLean, Geo. Hite, Indianola
McLellan, Miss Pearl, Greenwood
McLendon, Robert L., Vossburg
McLeod, D. A., Mount Olive
McLeod, O. L., Pascagoula
McManus, Dessie E., Jackson
(751 N. President)
McMurrough, G. H., Lexington
McRaney, A. W., Magee
Meador, R. B., Jr., Gulfport
(407 Hancock Bank Bldg.)
Meek, George Daniel, Jackson
(943 Hunt)
Melton, Miss Louise, Jackson
(513 North State)
Melvin, Leonard B., Laurel
Merrell, G. H., Collins
Mhoon, W. L. (Col.), Jackson
(119½ North Farish)
Miller, C. C., Meridian
Miller, Hugh Barr, Jackson
(415½ E. Capital)
Miller, H. L., Quitman
Miller, Leighton S., Clarksdale
Miller, M. V. B., Meridian
Miller, J. Wesley, Rolling Fork
Miller, Raymond W., Jackson (710
Fourteenth St., N.W., Washington)
Miller, W. B., Clarksdale
Milloy, G. M., Prentiss
Mims, S. C., Jr., Grenada
Minniece, Thos. Y., Meridian
Mirike, Q. Don, Columbia
(930 High School St.)
Mitchell, A. M., Pontotoc
Mitchell, Chas. S., Pascagoula
(Box 149)
Mitchell, Ely B., Corinth
Mitchell, Guy W., Tupelo
Mitchell, Guy W., Jr., Tupelo
Mitchell, Joe B., Corinth
Mitchell, W. M., Grenada
Mitchell, Wm. P., Tupelo
Mize, Joseph S., Forest
Mize, Sidney C., Gulfport
Mize, Webb, Gulfport
Monaghan, Noel, Tupelo
Montgomery, Gerald J., Greenwood
Montgomery, Goode, Jr., Laurel
Montgomery, Holt, Laurel
Montgomery, M. B., Yazoo City
Montgomery, V. B., Belzoni
Montgomery, V. V., Edwards
Montgomery, Wm. G., Jr., Yazoo City
Montjoy, Paul D., Jr., Greenwood
Montjoy, W. H., Greenwood
Moore, Alfred, Hattiesburg
Moore, Paul M., Calhoun City
Moore, Wilbur D., Philadelphia
Morehead, Yerger, Greenwood
Morgan, C. E., Kosciusko
Morgan, Joe P., Flora
Morris, F. M., Hattiesburg
Morrison, H. L., Okolona
Morse, J. M., Poplarville
Morse, Stanford E., Gulfport
Morse, Wm. Eugene, Jackson
(Standard Life Bldg.)
Moseley, Niles, Jackson
(Standard Life Bldg.)
Moss, O. F., Lucedale
Mounger, Breed O., Tylertown
Mounger, Henry, Columbia
Mounger, W. M., Jackson
(Deposit Guaranty Bank)
Mueller, George A., Gulfport
(1708—25th Ave.)
Murphy, Geo. H., Gulfport
Murphy, Williams S., Mobile
(G. M. & O. R. R. Co.)
Murray, J. C., Brandon
Murrell, George F., Gulfport
Murry, W. V., Hattiesburg
Nason, R. H., Belzoni
Nason, Robert E., Ackerman
Neal, George S., Jr., Jackson
(119 Orkin Bldg.)
Neely, William H., Jackson
(Standard Life Bldg.)
Neill, J. C., North Carrollton
Neill, W. C., North Carrollton
Neilson, E. T., Lexington
Nelson, A. M., Jackson
(Lampton Bldg.)
Nelson, Leonard E., Vicksburg
Netterville, Robert L., Wilkinson
Nettles, S. R., Meridian
Nevels, Mrs. Alice, Jackson
(304 Medical Bldg.)
Neville, G. B., Meridian
Neville, Wm. deB., Meridian
Newcomb, Hugo, Jackson (c/o Dennis
Murphree, Walthal Hotel)
Newman, W. R., Jr., Jackson
(Lamar Life Building)
Newton, D. P., Birmingham, Ala.
Newton, Robt. S., Wiggins
Nichols, R. L., Forest
Nichols, W. B., Grenada
Nix. Charles, New Orleans
(4506 Major Drive)
Noble, J. F., Brookhaven

Nobles, Geo. R., Jackson
(Tower Bldg.)
Nobles, Roy P., Laurel
North, L. G., Belzoni
Nunnelly, Thos. B., Chatom, Ala.
(Box 20)
Nunnery, Herbert, Jackson
(Dep. Guaranty Bank Bldg.)
Oates, O. M., Bay Springs
Odom, H. T., Greenwood
Ogden, J. N., Mobile, Ala.
(G. M. & O. R. R. Co.)
O'Mara, Junior, Jackson (c/o Butler & Snow, Dep. Guaranty Bank Bldg.)
O'Neal, J. H., Clarksdale
O'Neill, John J., Vicksburg
Ortle, Mrs. Evelyn, Atlanta, Ga.
(Apt. 4, 795 Fredericka St., N.E.)
Overstreet, N. W., Jr., Jackson
(201 Lamar Street)
Owens, H. S., Jackson
(Standard Oil Co.)
Pacific, Larry A., Taylorsville
(Box 42)
Pack, Samuel V., Laurel
Paine, Tom F., Aberdeen
Palmer, Merle F., Pascagoula
(Box 375)
Palmes, G. V., Washington
(1900 F. St., N.W.)
Parker, Elliott, Houston
Parker, H. H., Poplarville
Parker, James E., Meridian
Parker, Percy F., Canton
Parker, Urithon B., Wiggins
Patterson, Albert T., Calhoun City
Patterson, C. F., Natchez
Patterson, E. B., Monticello
Patterson, James N., Monticello
Patterson, Joe T., Calhoun City
Patton, Fred Barringer, Oxford
Patton, Wright, New Orleans, La.
(c/o F.B.I.)
Patty, Jack S., Shaw
Pegram, T. E., Ripley
Pegram, Thomas E., Jr., Ripley
Penny, John Lamar, Pontotoc
Perry, Marshall, Jackson
(Lamar Life Building)
Perry, Robert E., Yazoo City
Peteet, Porter, Greenwood
Petterson, M. J., Laurel
Petty, R. J., Greenwood
Peyton, F. Lewis, Jackson
(Dep. Guaranty Bank Bldg.)
Phillips, Chas. W., Baton Rouge
(La. Nat. Bank Bldg.)
Phillips, John A., Macon
Phillips, O. W., Magnolia
Phillips, Robert P., Brookhaven
Pierce, M. F., Greenwood
Pierce, W. W., Jackson
(Dep. Guaranty Bank Bldg.)
Pigford, Howard R., Russell
Pilgrim, M. A., Jackson
(Century Bldg.)
Pinnix, James A., Amory
Pittman, Claude F., Hattiesburg
Pittman, Claude F., Jr., Hattiesburg
Pittman, Homer, Hattiesburg
Poitevent, Schuyler, Jr., Ocean Springs
Pollard, Chas. A., Greenwood
Pollard, R. V., Greenwood
Poole, M. H., Liberty
Porter, L. B., Union
Powell, Robert H., Canton
Powell, Robert, Jr., Canton
Preston, John Basil, Glasgow, Ky.
Pressler, H. P., Jr., Houston, Texas
(Humble Oil Co.)
Price, J. H., Indianola
Price, Murray, Jackson
Price, J. H., Magnolia
Price J. H., Jr., Magnolia
Price, James W., Jackson
(Dep. Guaranty Bank Bldg.)
Price, Kenneth, Jr., McComb
Price, Kenneth G., McComb
Price, Maurice, Jackson (329 Adelle)
Price, Mrs. Zelma W., Greenville
Pringle, Victor B., Biloxi
Prisock, Neal, Louisville
Prisock, Robert, Philadelphia
Provine, B. B., Jr., Greenwood
Prude, J. L., Yazoo City
Prude, J. O., Jr., Amory
Purser, Robert Lynwood, Jackson
(c/o Miss. P. & L. Co.)
Purvis, Zulah Mayo, Washington
(2101 N.W. Ave., N.W.)
Puryear, L. P., Senatobia
Putnam, John M., Jackson
(Standard Life Bldg.)
Pyle, L. A., New Albany
Pyles, Dixon, Jackson (Century Bldg.)
Quin, Billy M., Vicksburg
(Brunini and Brunini)
Quinn, David M., Jr., Indianola
Quinn, John E., Jackson
Quinn, L. Percy, Jackson
Quinn, O. B., Jr., Jackson
Ramsey, W. W., Vicksburg
Rankin, John E., Tupelo
Raphael, Eugene J., Greenville
Ratcliffe, C. L., Natchez
Ratcliffe, E. H., Natchez
Ratliff, P. D., Raymond
Rawls, H. C., Columbia
Ray, Bob, Jackson
(Lamar Life Building)
Ray, Tip, Canton
Rayburn, Kendall G., Pontotoc

Redmond, S. D. (Col.), Jackson
(115½ E. Farish)
Reed, W. C., Jr., Jackson
(Deposit Guaranty Bank Bldg.)
Reeves, R. B., McComb
Reich, Frank L., Louisville
Reynolds, Boyd H., Los Angeles
(426 Douglas Bldg., 257 Spring St.)
Rhodes, John Sivley, Jackson
(First Federal Savings Building)
Rice, Greek L., Jackson (Atty. Gen.)
Rice, Greek P., Clarksdale
Ricketts, Barron C., Jackson
Riddell, J. A., Meridian
Riddell, Tally D., Jackson
Ridgeway, C. R., Jr., Jackson
(233½ E. Capital)
Rinehart, J. F., Scooba
Ringold, Mae S., Winona
Ringold, Rupert, Winona
Roach, J. Gordon, McComb
Roberds, W. G., Jackson
(Supreme Court)
Roberson, J. Lake, Clarksdale
Roberson, R. Earl, Pascagoula
(711 Security Bldg., Miami, Fla.)
Roberts, Bramlett, Oxford
Roberts, M. M., Hattiesburg
Roberts, Owen, Cleveland
Roberts, W. C., Jackson
(Selective Service Headquarters)
Robertshaw, James, Greenville
Robertson, Stokes V., Jackson
(Century Bldg.)
Robertson, Stokes V., Jr., Jackson
(Century Bldg.)
Robinson, R. H., Jackson (Box 134)
Roderick, Mrs. Walterine Price, Greenville
Rodgers, Henry L., Louisville
Roebuck, S. T., Newton
Rogers, Fred, Meridian
Rogers, Shelby R., Jackson
Rogers, Cecil A., Meridian
Rollings, Robert H., Hattiesburg
Ross, Fred A., Jackson
Ross, H. E., Jr., New Orleans
(905 Carondelet Bldg.)
Ross, Jim Buck, Jackson
(Dept. of Agriculture)
Ross, J. C., Gulfport
Ross, Quitman, Laurel
Ross, Tom T., Clarksdale
Rotwein, Abe A., Jackson
(602 S. Gallatin)
Rowe, V. D., Winona
Ruff, D. T., Lexington
Russ, Roderick S., Jr., Jackson
(Lamar Life Building)
Russell, D. M., Gulfport
Russell, Dan M., Jr., Bay St. Louis
Russell, Geo. Ramsey, Greenville
Russell, R. C., Magee
Rylee, Miss Willie Yeates, Washington
(Apt. 107, 1026 15th St., N.W.)
Sadler, David L., Jackson
(U. S. Veterans Administration)
Sams, J. O., Meridian
Sams, L. F., Meridian
Sanders, H. B., Aberdeen
Sanders, John Stansbury, Sidon
Sanford, W. H., Philadelphia
Sasser, J. H., Carthage
Satterfield, John C., Jackson
(Lamar Life Building)
Satterfield, M. M., Port Gibson
Saul, L. K., Ellisville
Sauls, Edw. B., Jr., Jackson
(Robt. E. Lee Hotel)
Savage, J. W., Gulfport
Saxon, J. B., Waynesboro
Scanlon, C. M., Jackson (154 Galvez)
Scanlon, Leo J., Jackson (154 Galvez)
Schuetta, Mrs. Zelma P., Greenville
Schwan, Jules A., Biloxi
Schweizer, George J., Greenville
Scott, Walter A., Jr., Jackson
(Federal Bldg.)
Scott, A. S., Laurel
Seale, J. Eugene, Jr., Laurel (Box 45)
Searcy, Mrs. Virginia C., Lebanon, Tenn.
Searcy, W. P., Jackson
(First Federal Savings Bldg.)
Seay, Clant M., Jackson
(Walthal Hotel)
Sekul, Clare B., Biloxi
Sekul, John, Biloxi
Shands, Douglas S., Tupelo
Shands, Dugas, Cleveland
Shanks, Jesse W., Purvis
Sharpe, Wm. L., Corinth
Shaw, George E., Jackson
(Century Bldg.)
Sheffield, Joe, Pittsboro
Shell, Dan H., Jackson
(Satterfield, Ewing & Hedgepeth)
Shelton, Ernest L., Jackson
(Standard Life Bldg.)
Shelton, Louis L., Jackson
(Standard Life Bldg.)
Sherman, Abe, Clarksdale
Shields, C. D., Meridian
Shields, John N., Amory
Shipman, W. A., Dallas, Texas
(4009½ Bowser Ave.)
Shirley, J. E., Quitman
Shivers, J. C., Poplarville
Shoemake, N. R., Jackson
(John Hart Bldg.)
Shotts, H. A., Meridian

Shows, Walter L., Jackson
(P. O. Box 850)
Siegel, Zelda, Sunflower
Sillers, Walter, Jr., Rosedale
Simmons, D. J., Pascagoula
Simmons, Hansford L., McComb
Simmons, J. U., Gulfport
Simmons, W. W., Cleveland
Simrall, James, Jr., Hattiesburg
Sims, W. L., Columbus
Singley, Henry Phillip, Columbia
Singley, Jas. Taylor, Meridian
Sisson, Charles A., Clarksdale
Skinner, J. E., Jackson
(Dep. Guaranty Bank Bldg.)
Smallwood, David W., Oxford
Smallwood, Robert L., Jr., Oxford
Smith, C. C., Richton
Smith, Floyd, Jackson
(242½ E. Capital)
Smith, Fred B., Ripley
Smith, Geo. R., Gulfport
Smith, George Rockwell, Pratt, Kan.
(321 So. Pine St.)
Smith, Gordon, Greenwood
Smith, John T., Cleveland
Smith, John T., Jackson
(943 North State)
Smith, Lemuel A., Jackson
(Supreme Court)
Smith, Lemuel A., Jr., Holly Springs
Smith, L. O., Van Vleet
Smith, L. O., Jr., Jackson
(Wells, Wells, Newman & Thomas)
Smith, Luther A., Hattiesburg
Smith, O. R., Corinth
Smith, Robt. Bruce, Ripley
Smith, Sydney, Jackson
(Supreme Court)
Smith, Sidney A., Jr., Jackson
(Wells, Wells, Newman & Thomas)
Smith, Toxey Hall, Poplarville
Smythe, Arnold, Jackson
(1616 Robinson)
Snow, Chas. B., Jackson
(Dep. Guaranty Bank Bldg.)
Snow, E. L., Meridian
Solomon, Earl, Greenville
Somerville, Robert N., Cleveland
Sparkman, A. B., Cleveland
Spearman, Paul D., Washington
(Munsey Bldg.)
Spinks, L. P., DeKalb
Spivey, L. G., Canton
Spivey, R. E., New Orleans, La.
(Federal Land Bank)
Stainton, R. L., Jackson
(Dep. Guaranty Bank Bldg.)
Stamper, H. G., Union
Stapleton, Henry Cottrel, Clinton
Statham, Billy Dan, Magnolia
Steele, R. Horace, Jackson
(3811 North State)
Steen, R. E., Picayune
Stennett, E. W., Jackson
(242½ E. Capital)
Stennett, J. C., Jackson
(242½ E. Capital)
Stennis, J. D., Jr., Biloxi
Stennis, John C., DeKalb
Stennis, J. P., Macon
Stephens, Edgar, Jr., New Albany
Stephens, H. D., New Albany
Stevens, Ben., Hattiesburg
Stevens, J. M., Jackson
(Standard Life Bldg.)
Stevens, J. Morgan, Jr., Jackson
(Standard Life Bldg.)
Stevenson, Lincoln A., Jackson
(Box 1988)
Stewart, Ray M., Picayune
Stirling, Carter, Jackson
(415½ E. Capital)
Stirling, J. B., Jackson
(415½ E. Capital)
Stoaks, Duval, Oak Ridge, Tenn.
(113 Delma Circle)
Stockett, Peter M., Woodville
Stockstill, J. E., Picayune
Stockstill, W. W., Bay St. Louis
Stockton, James M., Jackson (F.B.I.)
Stone, H. R., Decatur
Stone, John Edren, Jackson
(414½ E. Capital)
Stone, J. P., Coffeeville
Stone, Phil, Oxford
Stone, Van D., Lambert
Stone, W. I., Coffeeville
Stoner, Alfred, Greenwood
Stovall, Carey, Corinth
Stovall, Richard B., Jackson
(701 N. Jefferson)
Stovall, R. C., Columbus
Strange, E. T., Meridian
Stratton, Asa Graham, Liberty
Stratton, R. E., III, Brookhaven
Street, Orbrey, Ripley
Street, Oscar F., Ripley
Stribling, Dees, Philadelphia
Stribling, W. P., Columbus
Stricker, V. J., Jr., Jackson
(1st. Federal Savings Bldg.)
Stricker, V. J., Jackson
Stringer, A. C., Jackson
(1017 Fairview)
Strong, W. A., Jr., Louisville
Stump, D. R., New Orleans
(Federal Land Bank)
Suddath, W. E., Jr., Jackson
(Watkins & Eager)
Sugg, Robert P., Eupora
Sullivan, C. W., Hattiesburg

Sullivan, T. Harris, Hattiesburg
Sulm, W. B., Mobile
Sumners, C. L., Oxford
Swalm, Terry S., Brookhaven
Swango, C. M., Jr., Sardis
Swartzfager, Paul, Laurel
Swartzfager, Phillip, Laurel
Swartzfager, Raymond C., Laurel
Sweat, N. S., Corinth
Sweat, W. C., Corinth
Sykes, James B., Mendenhall
Sylverstein, B. S., Columbia
Talbot, J. M., Clarkdale
Taylor, E. B., Greenville
(418 Weinberg Bldg.)
Taylor, Nelson E., Greenwood
Taylor, O. B., Jr., Jackson
(333 East Pearl)
Taylor, O. B., Jackson
(333 East Pearl)
Taylor, Swep S., Jr., Jackson
(Dep. Guaranty Bank Bldg.)
Taylor, Wm. F., Drew
Teat, G. L., Jackson
(First Fed. Savings & Loan Bldg.)
Teller, Landman, Vicksburg
Terry, Robert B., Jackson
(First Fed. Savings & Loan Bldg.)
Teter, E. T., Portland, Oregon
(3609 Broadacres, Apt. 5136)
Thames, J. D., Vicksburg
Thigpen, C. W., Vicksburg
Thigpen, Tate, Picayune
Thomas, Charles Grant, Oxford
(Box 5)
Thomas, Dick Ramsey, Senatobia
Thomas, Earl T., Jackson
(Lamar Life Bldg.)
Thomas, F. G., Tupelo
Thomas, O. C., Meridian
Thomas, S. B., Greenville
Thomas, Rowan T., Shaw
Thompson, Allen C., Jackson
(Medical Bldg.)
Thompson, Eugene, Marks
Thompson, Fulton, Jackson
(118 N. Congress)
Thompson, Joe Avery, Hattiesburg
Thompson, J. H., Jackson
(118 North Congress)
Thompson, R. H., Jackson
(118 North Congress)
Thompson, Robert W., Jr., Gulfport
Thompson, W. S., Greenville
Thompson, Wayne, Shelby
Thornton, G. J., Koscuisko
Tighe, Bernard Leonard, Jr., Jackson
(920 Standard Life Bldg.)
Tindall, Chas. S., Jr., Greenville
Tinsley, Robert L., Jackson
Todd, E. B., Jackson (Century Bldg.)
Todd, H. D., Cleveland
Tonsmeire, E. C., Jr., Biloxi
Torrey, James A., Meadville
Torrey, V. H., Jr., Vicksburg
Toulme, C. W., Gulfport
Townsend, Don D., Indianola
Townsend, Oscar B., Indianola
Townsend, William, Kosciusko
Travis, Cecil F., Jackson
(Standard Life Bldg.)
Travis, J. Kearney, Hattiesburg
Travis, J. Madison, Paulding
Travis, S. E., Hattiesburg
Traylor, Chas. Jos., Biloxi
Trenholm, Edw. L., Jackson
(Lampton Bldg.)
Triplett, O. B., Jr., Forest
Truly, E. G., Fayette
Truly, E. G., Jr., Fayette
Truly, J. B., Fayette
Tubb, T. J., West Point
Tucker, Betty Bartee, Jackson
(1207 Rose Hill Circle)
Tucker, C. B., Woodville
Tullos, Louey V., Laurel
(533 So. Magnolia)
Tullos, R. S., Raleigh
Tyler, John G., Columbia
(215 Fifth St.)
Tyler, Luther F., Picayune
Upshur, Littleton, Greenwood
Upton, Joe, Gloster
Upton, Mrs. Marie L., Jackson
(3519 North State)
Upchurch, Robt. W., Coffeeville
Valentine, A. F., Rosedale
Valentine, Carmon E., Cleveland
Varnado, Laverne, McComb
Venable, W. W., Clarksdale
Vogl, George W., Jackson
(304 Dunbar)
Vollor, W. J., Vicksburg
Wade, B. D., Jackson
(P. O. Box 2542, West Jackson)
Wade, Charles W., Greenville
Wade, John W., University
Wadlington, Lucian R., Belzoni
Wadlington, Walter, Biloxi
Waits, D. Hilton, Leland
Waits, William B., Leland
Walker, B. M., Jr., Starkville
Walker James M., Jackson
(Tax Commission)
Walker, Ray, Laurel
Walker, R. B., Carthage
Wall, Hugh V., Brookhaven
Wall, E. R., Newton
Wallace, Carl G., Gulfport
Wallace, R. A., Gulfport
Wallace, Robert R., Meridian
Wander, Mose, Charleston

Ward, Emmett, Vicksburg
Ward, F. A., Jackson
(U. S. Forest Service)
Ward, Will E., Starkville
Warren, H. G., Yazoo City
Warwick, A. M., Carthage
Wasson, B. F., Greenville
Waterman, David L., Jackson
Watkins, A. T. L., New Augusta
Watkins, H. V., Jr., Jackson
(Standard Life Bldg.)
Watkins, Thos. H., Jackson
(Standard Life Bldg.)
Watkins, W. H., Jackson
(Standard Life Bldg.)
Watkins, W. H., Jr., Tylertown
Watson, G. S., Port Gibson
Watson, J. R., Jackson (Box 3580)
Watson, Lamar, Greenville
Watson, Richard L., Columbus
Watson, W. Scott, Greenville
Watts, L. A., Pascagoula (Box 244)
Weathersby, O. O., Taylorsville
Weems, Milton B., Laurel
Weil, Karl, Port Gibson
Weir, W. T., Philadelphia
Welch, David C., Laurel
Welch, James Tracy, Washington
(815 Fifteenth St.)
Welch, W. S., Laurel
Wells, Edward D., New York
Wells, W. Calvin, Jackson
(Lamar Life Bldg.)
Wells, W. Calvin, Jr., Jackson
(Lamar Life Bldg.)
Wells, W. Calvin, III, Jackson
(Lamar Life Bldg.)
Wells, Will S., Jackson
(413½ E. Capital)
White, H. Edwin, Lexington
White, James Arnold, Washington
(c/o Veterans Administration)
White, T. J., Gulfport
White, W. H., Gulfport
Whitfield, Garland Q., Jackson
(1st. Federal Savings & Loan Bldg.)
Whitten, Jamie L., Washington
(Member of Congress)
Whitten, J. W., Jr., Sumner
Whittington, E. F., Clarksdale
Whittington, E. O., Liberty
Whittington, L. A., Natchez
Whittington, Wm. M., Greenwood
(Member of Congress)
Whittington, W. M., Jr., Greenwood
Wideman, Yandell, Jackson
(Millsaps Bldg.)
Wiesenburg, Otto Karl, Pascagoula
Wilbourn, J. C., Meridian
Wilbourn, R. E., Meridian
Wiley, O. E., Ruleville
Wilkes, Ben, Greenville
Wilkinson, John T., Jr., Memphis,
Tenn. (1243 Lamar St.)
Williams, C. D., Yazoo City
Williams, Chas. C., Okolona
Williams, Dan (Col.), Jackson
(317½ N. Farish)
Williams, Dan G., Meridian
Williams, David J., Brandon
Williams, Dolsie Earline, Raymond
Williams, E. B., Poplarville
Williams, E. B., Jr., Poplarville
Williams, E. B., Meridian
Williams, Frank M., Moselle
Williams, F. T., Jackson
(Lamar Life Bldg.)
Williams, Gladstone E., Jackson
(119 Orkin Bldg.)
Williams, John Bell, Raymond
Williams, J. L., Indianola
Williams, Lampton O'Neal, Poplar-
ville
Williams, Murray L., Water Valley
Williams, M. Ney, Raymond
Williams, Raymond D., Senatobia
Williams, R. X., Oxford
Williams, Thos. Marvin, Jr., Lexington
Williamson, N. S., Meridian
Willoughby, T. R., Jackson
(Wright Hotel)
Wills, L. E., Meridian
Wills, T. J., Hattiesburg
Wilson, Harry E., Columbus (F.B.I.)
Wilson, H. J., Hazlehurst
Wiltshire, James A., Magnolia
Wiltz, Thos. J., Jr., Biloxi
Windham, E. K., Booneville
Windham, Eugene P., Mayersville
Wingo, Earle L., Hattiesburg
Wise, Louis J., Yazoo City
Wise, Sherwood, Jackson
(Dep. Guaranty Bank Bldg.)
Witherspoon, Gibson, Meridian
(Threefoot Building)
Witherspoon, John, Meridian
Womack, Edw. L., Brookhaven
Womack, Lura Mae, Jackson
(Edwards Hotel)
Womack, W. D., Belzoni
Wood, Orvis S., Vicksburg
Woodliff, George, Jackson
(Dep. Guaranty Bank Bldg.)
Woodrow, O. J., Jackson
(Box 2323, West Jackson)
Wooton, R. G., Hattiesburg
Worsham, B. F., Corinth
Wright, C. B., Belmont
Wright, C. M., Meridian
Wright, F. L., Rolling Fork
Wright, Fred P., Amory
Wright, Russell, Meridian

Wyatt, Lon Adam, Jackson
(Standard Life Bldg.)
Wynn, Wm. T., Greenville
Yawn, J. N., Brookhaven
Yeager, J. A., Lumberton
Yeager, John A., Jr., Lumberton
Yerger, E. M., Clarksdale
Yonkers, Genevieve, Washington,
D. C. (1320 Quincy St., N.W.)
Young, H. D., New Augusta
Young, J. Will, Jackson
(Century Bldg.)
Young, M. C., Jackson
(Tax Commission)
Zama, Miss Lena, Hazlehurst